

IN THE FOURTH DISTRICT COURT OF THE STATE
OF UTAH, IN AND FOR UTAH COUNTY.

PROVO RESERVOIR- COMPANY
A CORPORATION--PLAINTIFF.

VS.

Provo City, Lincoln School District, The Provo Bench Canal & Irrigation Company, The Lake Bottom Canal Company, The Little Dry Creek Irrigation Company, The Upper East Union Irrigation Company, The Timpanogus Canal Company, The West Union Canal Company, The East River Bottom Water Company, Provo Pressed Brick Company, Utah-Idaho Sugar Company, Zion's Savings Bank & Trust Company, Spring Dell Resort Company, Wildwood Resort Company, South Fork Trout Company, Sege Irrigation Company, Knight Woolen Mills, Provo Ice & Cold Storage Company, Smoot Investment Company, E. J. Ward & Sons Company, Wasatch Irrigation Company, Timpanogus Irrigation Company, Extension Irrigation Company, North Field Irrigation Company (Reorganized), Midway Irrigation Company, Charleston Irrigation Company, Pioneer Irrigation Company, Sage Brush Irrigation Company, Spring Creek Ditch Irrigation Company, Sunrise Irrigation Company, South Kamas Irrigation Company, Washington Irrigation Company, Utah Power & Light Company, First Ward Pasture Company, Fort Field Irrigation Company, Heber Mercantile Company, Midway Waterworks Company, Stewart Ranch, Corporations.

Ruth Hatch and A. C. Hatch, as executors of the last will and testament of Abram Hatch, deceased.

Pauline Schemensky, Stephen Jones, F. T. Carter, Amos Carter, Fermelia Young, D. G. Calder, J. E. Smith, Owen A. Baum, Joseph T. Carter, Edith R. Buss, Wilford Penrod, William Gammon, Abram L. Smith, A. L. Penrod, J. M. Buckner, T. J. Smith, W. F. Richins, B. F. Alger, Clara M. Stubbs, J. C. Ivie,

Ann Carter, Thomas Thornley, John H. Carter, D. W. Baum, Richard Carter, D. N. Greer, Leo Baum, D. N. Penrod, Leo E. Smith, B. W. Baum, A. L. Tanner, Eliza Carter, as administratrix of the estate of Aaron Carter, deceased; Cora A. Shirts, as administratrix of the estate of Benjamin Shirts, deceased; E. L. Dodder, J. W. Smith and Lettie York, jointly, as members of a voluntary association, not incorporated, under the name and style of the Smith Ditch Company, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein.

James L. Meldrum, John E. Booth, George James, Merrill Holden, Louis James, Isaiah B. Lott, Benjamin E. Richmond, Joseph Faucett, Walter Lott, Ada J. Hickman, and Elmer Meldrum, jointly as members of a voluntary association, not incorporated, under the name and style of Faucett Field Ditch Company and individually as tenants in common in the Faucett Field Ditch and in the right to the use of waters flowing therein.

Upton Hoover, W. E. Hoover, Webster Hoover, and Frank Hoover, as partners, doing business under the name of Excoelsior Roller Mills, George Baum, Hetty Young Goodman, L. W. Nuttall, David S. Park, Verinus Carter, Matilda A. Carter, R. G. Carter, John H. Carter Jr., H. E. Young, Mary Ann Emmons, Levi York, James M. Downs, James M. Bonny, Joseph Williamsen, Evan Williams, Mary E. Davis, Frederick J. Pulham, N. H. Greer, Albert Snyder, Maggie Pearl Brown, Emily E. Forsythe, Alma Brown, Charles H. Davis, J. Joseph Johnson, Marva May Spencer, Louisa J. Brown, Joseph M. Brown, Parley Lewis Jacobson, Alma J. Jorgensen, C. S. Rasmussen, Elizabeth A. Farrer, Ashted Taylor, Olive Smith, E. D. Partridge, Arthur C. Candland, Mattie C. Madsen, David H. Madsen, P. M. Madsen, Caroline H. Madsen, Parley W. Madsen, Wilhelmina Madsen, George E. Madsen, George A. Madsen, Alma J. Madsen, John W. Clark, LeRoy Dixon, George A. Clark, Minnie Hamilton, Robert Kinnear, John E. Neilson, John E. L. Nelson, Elizabeth Perry, John E. Lewis, John Ritchie, James Fisher, Anna T. Nelson, Rachel C. Ferre, Daniel H. Halladay, Enoch S. Goddard, Henry W. Goddard, Hannah M. Cook, Hansina N. Jepperson, Rudolph Riard,

Ada Young Littley, D. B. McBride, Robert Cordner, Samuel Carter, David Carter, Lafayette Carter, R. D. Young, Mary E. Downs, John H. Emmons, William A. York, Esthma Tanner, Arthur Clyde, David Gourley, Isabell West, Hugh L. Syme, Mary A. Brown, Rachel E. Davis, E. V. Vincent, Wilmirth H. Brown, V. L. Bunnell, Lars Jacobson, as administrator of the estate of Lars Jacobson, deceased; James F. Clyde, Albert Jacobson, Sarah Z. Williams, Earl J. Glade, as administrator of the estate of James R. Glade, deceased; Robert Birkin, Arthur N. Taylor, Mathias Knudsen, Major Pierce, N. O. Spaulding, B. H. Knudsen, Reed J. Knudsen, Milton H. Knudsen, Andrew Knudsen, Herman Knudsen, W. D. Lewis, Sam E. Bunnell, Lewis Marriott, John D. Dixon, Ellen C. Johnson, George I. Taylor, Mary A. Cook, D. L. Vincent, Dominicus Snow, S. E. Perry, Franklin Spencer Jr., Mary E. Cox, Walter Cox, Isaac P. Nelson, James E. Fisher, George W. Halladay, Robert Boardman, John J. Massey, J. W. Bates, George T. Peay Sr., Samuel S. Bailey, Hannah C. Leonard, Edwin S. Hinckley, Charles Conrad, James R. Hooks, John W. Hoover, Daniel Peay, J. A. Spencer, Lucian N. Hinckley, Hyrum Heiselt, Charles Giles, Charles Thomas, W. W. Ercanbrack, Alexander Cordner, John H. Gordon, Rose Gordon, John H. Gordon Jr., James A. Loveless Jr., Joseph V. Smith, Henry V. Smith Jr., Henry V. Smith, James C. McClellan, John R. Stubbs, W. W. Ferguson, Peter Boyce, Charles H. Taylor, J. C. Whiting, Wilford Van Wagenen, Edward V. Vincent, administrator of the estate of Charles Vincent, deceased;

Heber City, Midway Town Corporation and Town of Charleston, acting as a voluntary association, not incorporated, and doing business under the name of Heber Light and Power Plant; Emma Wherritt, Joseph Hatch, Mary Davis, Jacob Berg, Frank Fraughton, Anton Olson, Andrew Olson, Mary A. Davis, John W. Carlile, Joseph Wright Murray, S. C. Peterson, James Duncan, Mary Ann White, as administratrix of the estate of Thomas White, deceased; William Lewis, John Swift, John Leffler, Abe Leffler, Henry Bisel, Abe Leffler Jr., Hyrum Moon, Millie Leffler, Mary A. White, Heber Moon, Frank Turnbow, Leslie Murphy, Benjamin Turnbow, Marshall Leffler, Louis Bisel, Nephi Moon,

William Moon, Henry Fraughton, Fleming Barrows, Frederick Peterson, Milton O. Turnbow, George Sizemore, William Sizemore, Charles Fraughton, Alvin Leffler, Mrs. Julia Potts, Lyman Gines, Riley Fitzgerald, Owen Ellis, Samuel Gines Jr., Esther Webb, Rasmus Larsen, Ola W. Larsen, Niels Larsen, William Larsen, Mims Lark, as administrator of the estate of William Lark, deceased; William Lemon, Mary Hunter, Jack Bates, Harold C. Best, C. T. Swan, Timothy M. Murphy, Julia M. Davis, Fannie E. O. Spencer, John Buttery, Joseph Morris, Waldemer H. Peterson, Mary Davis, Thomas S. Lowery, Samuel Lowery, Richard Wellington, George B. Jordon, Isaac R. Baum, John Burrows, Adolphus Sessions, Bishop Corbet, Mrs. Frances Page, John Bradshaw, Annie Jones, Mrs. Julia Padfield and Sons, Ernest Prescott, Alma Nielsen, Vincent Sheppard, William Sheppard, James Ure, Richard Lambert, B. H. Knudsen, George O. Ellis, James Leffler, Mary Pace, Ernest Turnbow, James A. Knight, Joseph Abegglen, Frederick Remund,

Mark Jeffs, George Nelson, E. R. Bronson, James B. Hamilton, Jesse Nelson Jr., Jesse Nelson, Orson Hicken, Alfred L. Alder, James T. Alder, W. W. Alder, J. M. Casper, James Casper, William N. Casper, George R. Carlile, Elisha Webster, J. R. Allen, John Allen, Arthur Allen, T. W. Allen, John H. Murdock of Charleston, Samuel McAffee, John M. Ritchie, Henry F. Watson, George Edwards; George Daybell, George W. Daybell, Fred Daybell and Robert Daybell, as partners, doing business under the firm name of George Daybell and Sons; William Daybell, Charles Thacker, Joseph R. Murdock, John O. Edwards, P. W. Edwards, John B. Powers and Elizabeth Powers, as executors of the last will and testament of John Powers, deceased; George Edwards. Thomas Winterton, Joseph Wright, William Winterton, James L. Wright, Hyrum Winterton, William L. Van Wagoner, Phillip L. Ford, Effie Haws, John Sweifel, T. De Vera Smith, as administrator of the estate of Phillip L. Smith, deceased; Ulric Abegglen, Chris Mitchell, Felix Martin, J. E. Peterson, John Buhler, William Bonner, John Huber, John Kummer, Gottlieb Buehler, O. P. Mathews, Alice Schaer,

Henry Watkins, Nephi Huber, Joseph Huber, J. Brigham Wilson, Andreas Burgener, Frederick Forrer, D. A. Gibson, Jacob Kummer, David McGimpsey, Thomas Monks, Henry Zenger, Mary Schoni, Joseph Schoni, Maria Mitchell, Cordelia Wilson, George Wilson, James Wilson, George H. Prescott, Amos Prescott, Jed Prescott, Heber Prescott, Mrs. Thomas McNeil, Emily Prescott, Mrs. O. A. Page, B. G. Kirkham, Mrs. J. W. Kirkham, Thomas Naylor, Ernest H. Horton, Erminnie C. Cummings, Lavina E. Murdock, William T. Averett, Addison E. Averett, Joseph D. Averett, Eustatia Averett, John H. Averett, Edna A. Murdock, Leona A. Bonner, Rosina Kummer, Edward Kummer, John Kummer, Frederick Kummer, Elizabeth Hamilton, Salina Foreman, Henry T. Coleman, as administrator of the deceased; estate of Nathan Springer; C. A. Springer, Jane McD. Johnston, William Johnston, John A. Johnston, Henry T. Coleman, James Amicome, Johanna C. J. Anderson, Jacob A. Baum, Elmer Baum, Lafe Baum, A. M. Conrad, S. S. Cluff Jr., William Cluff, M. B. Cutler, Fred Davies, L. L. Donnon, Andrew Forsythe, Thomas J. Foote, Anna Glade, Herbert D. Jobb, Lars Jacobson, David Johnson, Lewis Jacobson, Reed J. Knudsen, Benjamin H. Knudsen, Daniel B. McBride, Brice McBride, Edwin A. Madsen, Alice Rambaud, Samuel Rieske, A. F. Snyder, Caleb Tanner, George Taylor Jr., Jane Williamsen, William C. Williamsen, Anna Elizabeth Abegglen, Barbara Buttery, John E. Berg, Christy Bisel, R. W. Barnes, E. L. Brown, Mary Hamilton Chambers, A. S. Carlile, Emily Cormack, Maggie Hamilton Campbell, Samuel Gines Sr., Abram Gines, Ellen Gines, Theodore Hamilton, David Hamilton, Vermont Hatch, Edwin Hatch, James A. Hamilton, William Hamilton, George A. Huntington, George R. Hardman, Alonzo A. Hicken, Neils J. Johnson, Mrs. Anna Luncford, Heber Moon, John Murri, Levi M. North, Betsy Olson, John U. Probst, William L. Prescott, James Prescott, S. A. Peterson, James Pyper, Charles H. Rampton, John W. Stubbs, Earl Stringfellow, Harold Schear, George Schear, Polly W. Schear, William Winterton, Parley Gines, Rosel Leffler, George R. Hardman Jr., John T. Moon, I.E. Brockbank, administrator of the estate of John E. Booth, deceased, Emma Kummer Bond, administratrix of the estate of John Kummer, deceased, Christeen Fraughton, administratrix of the estate of Henry Fraughton, deceased; James Hamilton, administrator of the estate of James B. Hamilton, deceased; Dermont Huffacker, administrator of the estate of D. S. Huffacker, deceased; Defendants.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW.

This cause came on for trial before the Court, sitting without a Jury, before the Hon., C. W. Morse, Judge, presiding, on the 6th day of June, 1916, at Provo City, Utah County, State of Utah, upon the complaints of the Plaintiff, and the answers, cross complaints and counter claims of the several Defendants.

A. C. Hatch; A. J. Evans; Jacob Evans; A. L. Booth; Thurman, Wedgwood & Irvine; and Wedgwood, Irvine & Thurman, appearing as counsel for the Plaintiff.

Jacob Coleman; E. E. Corfman; Mathonihah Thomas; J. B. Tucker; C. C. Richards; and Franklin S. Richards, appearing as counsel for the Defendant Provo City.

W. W. Ray; Grant C. Bagley; and Whitecotton & Dobbs for the Provo Bench Canal & Irrigation Company.

J. E. Booth for the Defendants;

The Lake Bottom Canal Company,
West Union Canal Company,
The East River Bottom Water Company,
Wildwood Resort Company,
Zion's Savings Bank & Trust Company.

E. E. Corfman for the Defendants;

The Little Dry Creek Irrigation Company,
Spring Dell Resort Company,
Fort Field Irrigation Company,

Young, Snow, Ashton & Young, for the Defendants;

Utah-Idaho Sugar Company,
Zion's Savings Bank & Trust Company.

E. E. Corfman; J. W. Robinson; Grant C. Bagley;
and Harvey Cluff, for the Defendant;

The Upper East Union Irrigation Company,

W. W. Ray; and Grant C. Bagley, for the Defendant;

The Timpanogus Canal Company.

Harvey Cluff, for the Defendants;

Provo Pressed Brick Company,
South Fork Trout Company.

E. E. Corfman; and J. B. Tucker, for the Defendants;

Knight Woolen Mills,
Provo Ice & Cold Storage Company,
First Ward Pasture Company,
E. J. Ward & Sons Company.

J. B. Tucker; and Jacob Coleman, for the Defendant;

Sego Irrigation Company.

E. E. Corfman; and Jacob Coleman, for the Defendant;

Smoot Investment Company.

Thurman, Wedgwood & Irvine,
and J. H. McDonald, for the Defendants;
Wasatch Irrigation Company,
Timpanogus Irrigation Company,
Extension Irrigation Company,
North Field Irrigation Company.

Morgan & Huffacker, and
Charles J. Wahlquist, for the Defendant;
Midway Irrigation Company.

Thurman, Wedgwood & Irvine; J. H. McDonald;
William S. Willis,
and W. W. Ray, for the Defendant;
Charleston Irrigation Company.

King & Nibley, for the Defendant;
Pioneer Irrigation Company.

Thurman, Wedgwood & Irvine;
J. H. McDonald, and
W. W. Ray, for the Defendants;
Sage Brush Irrigation Company,
Spring Creek Irrigation Company.

Charles J. Wahlquist, for the Defendants;
Sunrise Irrigation Company,
Midway Waterworks Company.

Mathonihah Thomas; and
O. P. Soule, for the Defendants;
South Kamas Irrigation Company,
Washington Irrigation Company.

William S. Willis; and
J. H. McDonald, for the Defendants;
Heber City,
Midway Town Corporation,
Town of Charleston.

E. E. Corfman; Story & Steigmeyer; R. A. Wilbar;
Pierce, Critchlow & Barrett; and
John F. MacLane, for the Defendant;
Utah Power & Light Company.

Thurman, Wedgwood & Irvine, for the Defendants;
A. L. Tanner,
Esthma Tanner.

E. A. Wedgwood, for the Defendant;
Caleb Tanner.

Parker & Robinson, for the Defendant;
John W. Hoover.

E. E. Corfman, for the Defendants;
Upton Hoover; W. E. Hoover;
Webster Hoover; Frank Hoover.

Harvey Cluff, for the Defendants;
Benjamin B. Richmond; Alice Rambaud;
Charles E. Giles; William Cluff;
Charles W. Thomas; S.S. Cluff Jr.,
Charles S. Conrad; J. A. Baum;
W. W. Ercanbrack; Elmer Baum;
James Amicome; A.M. Conrad;
Hyrum S. Winterton; Lafe Baum.

J. E. Booth, for the Defendants;

William D. Lewis,
Ida Y. Littley,
Edwin A. Madsen,
Caroline K. Madsen,
Lewis W. Nuttall,
Rudolph Riard,
David S. Parks,
F. T. Carter,
Permelia Young,
J. E. Smith,
Joseph T. Carter,
Wilford Penrod,
Abram L. Smith,
J. M. Buckner,
W. F. Richins,
Clara M. Stubbs,
Ann Carter,
John H. Carter,
D. N. Greer,
D. N. Penrod,
D. W. Baum,
E. L. Dodder,
Lettie York,
Thomas J. Foote,
Hyrum Heiselt,
Louis Jacobson,
Annie Glade,
Andrew Knudsen,
R. G. Carter,
R. D. Young,
Verinus Carter,
J. M. Downs,
John E. Booth,
Merrill Holden,
Isaiah B. Lott,
Walter Lott,
Ada J. Hickman,
Reed J. Knudsen,
Lars Jacobson,
Benjamin H. Knudsen,
Eliza Carter Ashton, administratrix of the estate
of Aaron Carter, deceased.
Cora A. Shirts, administratrix of the estate of
Benjamin Shirts, deceased.

B. W. Baum,
Charles Madsen,
W. W. Ercanbrack,
Daniel D. McBride,
Samuel Rieske,
Pauline Schemensky,
Stephen Jones,
Amos Carter,
D. G. Calder,
Owen A. Baum,
Edith R. Buss,
William Gammon,
A. L. Penrod,
T. J. Smith,
B. F. Alger,
J. C. Ivie,
Thomas Thornley,
Richard Carter,
Leo Baum,
Leo E. Smith,
A. L. Tanner,
J. W. Smith,
Branch Young Estate,
Hetty Y. Goodwin,
Albert Jacobson,
Sarah Williams,
Alma Jorgensen,
John D. Dixon,
David Carter,
Lafayette Carter,
Mary E. Downs,
James L. Meldrum,
George James,
Louis James,
Joseph Faucett,
Benjamin B. Richmond,
Elmer Meldrum,
Louis Marriott,
Isaac P. Nelson,
William O. Williamson,
Hetty Y. Goodwin,
Rudolph Riard,
Louis W. Nuttall,
M. B. Cutler,
Brice McBride.

Allen T. Sanford, for the Defendants;

Branch Young,
Ida Young Littley,
Daniel B. McBride,
David S. Parks,

J. H. McDonald, and

Charles J. Wahlquist, for the Defendant;
Johanna C. J. Anderson.

J. H. McDonald, for the Defendants;

E. D. Partridge,
Frederick J. Pulham,
Henry V. Smith Jr.,
George Taylor Jr.,
Jane Williamson,
N. H. Greer,
J. Joseph Johnson,
Charles H. Davies,
James M. Bonny,
D. W. Baum,
Wilmer H. Brown,
Louisa J. Brown,
James F. Clyde,
Evan Williams,
A. F. Snyder.

J. E. Smith,
Olive Smith,
Ashted Taylor,
Isabell West,
Andrew Forsythe,
David Johnson,
Stephen Jones,
Mary E. Davis,
Fred Davies,
Maggie Pearl Brown,
Joseph M. Brown,
Mary A. Brown,
E. V. Vincent,
Hugh L. Syme,

Morgan & Huffacker, for the Defendants;
Wilford Van Wagenen.

King & Nibley, for the Defendants;
Arthur P. Allen, Samuel McAffee,
John H. Murdock, J. W. Allen,
T. W. Allen, Wilford D. Wright.

Chase Hatch, for the Defendants;
Betsy Olson, Anton Olson,
Thomas Lowery, Samuel Lowery,
Nephi Huber, Jacob Huber,
Edwin Hatch, Vermont Hatch,
Abram C. Hatch, Minnesota A. Dodds,
Jane H. Turner, Lacy H. Farnsworth,
Joseph Hatch, George Schear,
Ruth Hatch, John M. Huber, administrator
of the estate of John Huber, deceased.

Jay H. Stockman, for the Defendant;
Barbara E. Buttery.

Morgan & Huffacker, and
Charles J. Wahlquist, for the Defendants;
John U. Probst, Thomas Monks,
Felix Martin, David McGimpsey,
Orson P. Matthews, Gottlieb Buehler,
Andreas Burgener, William Bonner,
John U. Buehler, Henry T. Coleman,
Frederick Forrer, Elizabeth Hamilton,
Polly Schear, James Hamilton,
J. Brigham Wilson, Heber Mercantile Company,
John Huber, Harold Schear,
George A. Huntington, Edward Kummer,
Jacob Kummer, Frederick Remund,
Emily Cormack, Stephen H. Smith,
Nephi Huber, William L. Van Wagoner,
Joseph Huber, Henry Watkins,
David A. Gibson, Henry Zenger,
James B. Hamilton, George Schear,
Alice Schear, Henry T. Coleman, adminis-
trator of the estate of Nathan C. Springer, deceased.
Mary Schroni, Joseph Schroni and Maria Mitchell,
heirs of Christian Schroni, deceased.
Cordelia Wilson, George Wilson and James Wilson,
heirs of George Wilson, deceased.
Rosina Kummer, Edward Kummer, Elizabeth Hamilton and
Salina Foreman, heirs of John Kummer, deceased.

J. H. McDonald, for the Defendants;
Joseph Morris, George B. Jordon,
John A. Johnston, Isaac R. Baum,
Mary Davis, Phillip L. Ford,
Levi M. North, Thomas Winterton.

Stewart, Stewart, and
Alexander, for the Defendants;
Harold C. Best, Charles H. Rampton,
Stewart Ranch, a corporation.

Henry Shields, for the Defendants;
John E. Berg, Julia M. Davis,

Charles J. Wahlquist for the defendants;

James A. Hamilton,
Jennie Hamilton Summers,
Ella Hamilton Snyder,
Maggie Hamilton Campbell,
Mrs. Anna Lunceford,
David Hamilton,
Neils J. Johnson,

William Hamilton,
Jack Bates,
Mary Hamilton Chambers,
J.C. Whiting,
Theodore Hamilton,
Lovica Hamilton Snyder,

Mathoniah Thomas and Smith & McBroom for the defendant L.L. Donnon.

Thomas & Soule for the defendants;

S.A. Peterson,
Fred A. Peterson,
Hyrum Moon,
William Moon,
Nephi Moon,
Christy Bisel,
Henry Bisel,
John D.F. Bradshaw,
Charles L. Gines,
Ellen Gines,
James Duncanson,
Ernest H. Horton,
James Leffler,
John Swift,
Ernest J. Prescott,
Benjamin Turnbow,
Mary A. White,
Ola W. Larsen,
James A. Knight,
Rasmus Larsen,
James Prescott,
Abram Leffler, sued as Abe Leffler,
George O. Ellis,
Christeen Fraughton, administratrix of the estate of
Henry Fraughton, deceased; Minns Lark, administrator
of the estate of William Lark, deceased; Mary A. White,
administratrix of the estate of Thomas White, deceased.
Heber Moon,
Parley Gines,
John T. Moon

Mary Ann Moon White,
Mary E. Pace,
Heber Moon,
Hettie J. Prescott Page,
Martha E. McNeil,
R.W. Barnes,
Riley Fitzgerald,
Abram Gines,
Samuel Gines Jr.,
Samuel Gines Sr.,
George R. Hardman,
William Lewis,
Marshall Leffler,
William L. Prescott,
Julia Potts,
Frank Turnbow,
Milton O. Turnbow,
William Lemon,
Ether Webb,
John Leffler,
Abram Leffler Jr.,
Henry Fraughton,
Rosel Leffler,
George R. Hardman Jr.,

William S. Willis for the defendants;

Eustatia Averett,
Ulric Abegglen,
Addison Averett,
John H. Averett,
E.R. Bronson,
George R. Carlile,
J.M. Casper,
William Daybell,
John O. Edwards,
Ermina C. Cummings,
Lavina E. Murdock,
Leona A. Bonner,
William Bonner,
Joseph R. Murdock,
George Nelson,
John Kummer,
J.E. Peterson,
Emma Kummer Bond,

Alfred L. Alder,
John D. Averett,
William T. Averett,
Joseph F. Abegglen,
E.L. Brown,
James Casper,
William N. Casper,
P.W. Edwards,
George H. Edwards,
Joseph Hatch,
Edna A. Murdock,
John B. Fowers,
Chris Mitchel,
Phillip L. Ford,
Jesse Nelson,
Jesse Nelson Jr.,
Thomas Winterton,
Elizabeth Hamilton,

James Pyper,	John M. Richie,
John W. Stubbs,	Elisha Webster,
Harry F. Watson,	William Winterton,
Mrs. E. L. Hanks,	T. Fred Winterton,
Hyrum S. Winterton,	Moroni Winterton,
W. D. Wright,	Ellen C. Wright,
Joseph S. Wright,	William H. Winterton,
William L. VanWagoner,	John H. Murdock,
John VanWagoner Jr.,	Emma Wheritt,
Felix Martin,	John U. Buhler,
Frederick Remund,	James T. Alder,
W. W. Alder,	George Daybell,
George W. Daybell,	Fred Daybell,
Robert Daybell,	John Murri,
Alonzo A. Hicken,	Hyrum Winterton,
John B. Powers and Elizabeth Powers, as executors of the	
last will and testament of John Powers, deceased,	
Joseph E. Hanks, administrator of the estate of Mrs.	
E. L. Hanks, deceased,	
Dermont Huffacker, administrator of the estate of	
D. S. Huffacker, deceased,	
Emma Kummer Bond, administratrix of the estate of	
John Kummer, deceased,	
Anna Elizabeth Abegglen,	Earl Stringfellow.

That the Defendants:

J. R. Allen, John Burrows, Flemming Barrows, Peter Boyce, Sam E. Bunnell, Robert Birkin, John W. Carlile, Bishop Corbet, Arthur Clyde, Mary A. Cook, George A. Clark, Samuel Carter, Robert Cordner, Arthur C. Candland, John W. Clark, LeRoy Dixon, Owen Ellis, Mary Ann Emmons, John H. Emmons, W. W. Ferguson, Emily E. Forsythe, Elizabeth A. Farrer, Henry W. Goddard, Edwin S. Hinokley, Lucian N. Hinokley, Orsen Hicken, William Johnston, Mark Jeffs, Jane McD. Johnston, Annie Jones, Frederick Kummer, Mathias Knudsen, Millie Leffler, Neils Larsen, Richard Lambert, Leslie Murphy successor to George O. Ellis, Parley W. Madsen, George A. Madsen, Wilhelmina Madsen, James F. McClellan sued as James C. McClellan, Mrs. Julia Padfield and Sons, Amos Prescott, Mrs. Francis Page, Daniel Peay, George T. Peay Sr., Major Pierce, C. A. Springer, T. De Vera Smith, as administrator of the estate of Phillip L. Smith, deceased; John Sweifel, George Sizemore, William Sizemore, Vincent Sheppard, William Sheppard, Adolphus Sessions, Joseph V. Smith, Henry V. Smith, H. N. O. Spaulding, Charles Thacker, James Ure, John R. Stubbs,

Edwards V.Vincent, administrator of the estate of Charles Vincent, deceased; D.L.Vincent, Richard Wellington, James L. Wright, William A.York, Levi York, H.E.Young, who after being duly served with summons failed to plead herein and whose default for not answering has been duly entered.

That the Defendants;

Arthur N.Taylor, John H.Gordon Jr., James R.Hooks, Lincoln School District; who after being duly served with summons, have not appeared, or established, or attempted to establish any right, interest or claim in or to any of the waters of the Provo River System.

The Court heard the testimony of the respective parties and the arguments of counsel thereon, and being now fully advised in the premises, finds the following facts:

-1-

That all of the parties named in the complaint in said cause, as corporations, both of plaintiff and defendants excepting the Utah Power & Light Company, are corporations organized and existing and doing business under the laws of the State of Utah.

That the defendant the Utah Power & Light Company is a corporation duly created and existing under the laws of the State of Maine.

That all of the parties herein named as individuals are residents of the State of Utah.

-2-

That the plaintiff is a corporation organized and existing under and in pursuance of the laws of the State of Utah, and that the objects and purposes of said corporation are, in part, to acquire by appropriation, development, lease, purchase, or otherwise, water, water rights and interests in water and water rights for irrigation, culinary, domestic and other necessary and beneficial purposes and to acquire by lease, purchase, construction or otherwise, reservoirs, dams, headgates, canals, ditches, flumes, pipe lines, and such other means as may be determined upon for the

storage, conservation, conveyance, control and distribution and use of any and all water interests therein which may be acquired, and the rights to the use of water, by the plaintiff, and

To acquire such sites, franchises and easements as may be necessary or desired for the construction and maintenance of reservoirs, canals, ditches, flumes, pipe lines and other means of conveying and storing all waters as may from time to time be acquired, owned or controlled by the plaintiff, and to acquire by purchase and otherwise and to own, improve, cultivate and deal in, real estate, and to sell, lease and dispose of its property, easements, franchises, and rights in such manner as its Board of Directors may determine, and to make and enforce such rules and regulations for the pursuance thereof as its Board of Directors may from time to time determine.

-3-

That the defendant Provo City, is a municipal corporation of the State of Utah, and said City by and with the consent of the inhabitants thereof, and by virtue of its charter power and the Statutes of the State of Utah, and Ordinances of the said City, owns, controls, distributes and regulates the waters of Provo River to which its inhabitants and parties adjacent to said City that derive water from conduits flowing within and through the corporate limits of said City are entitled.

-4-

That the defendant, Lincoln School District, is a regularly organized school district of Utah County, State of Utah.

-5-

That the defendant, the Utah Power & Light Company is a corporation duly created and existing under the laws of the State of Maine and by its charter and by full compliance with the laws of the State of Utah, is authorized and empowered to engage in the business of generating, using, and selling of electrical power;

to construct and acquire by purchase, lease and otherwise, reservoirs, dams, canals, ditches, flumes, pipe lines and such other works, plants, equipments, appliances and appurtenances as may be necessary, useful or appropriate for empounding, storing, conveying, distributing, and utilizing water for power, irrigation, fire, sanitary, domestic, manufacturing, and other uses, and to use, apply, sell, and otherwise dispose of water for such uses in the State of Utah and elsewhere.

And that said defendant, Utah Power & Light Company is the successor in interest to the rights of the Telluride Power Company, and the Telluride Power & Transmission Company.

-6-

That the defendants, Provo Bench Canal & Irrigation Company, The Lake Bottom Canal Company, The Little Dry Creek Irrigation Company, The Upper East Union Irrigation Company, The Timpanogus Canal Company, The West Union Canal Company, The East River Bottom Water Company, Spring Dell Resort Company, Wildwood Resort Company, Sego Irrigation Company, First Ward Pasture Company, Wasatch Irrigation Company, Timpanogus Irrigation Company, Extension Irrigation Company, North Field Irrigation Company, Midway Irrigation Company, Charleston Irrigation Company, Pioneer Irrigation Company, Sage Brush Irrigation Company, Spring Creek Irrigation Company, Stewart Ranch, Sunrise Irrigation Company, South Kamas Irrigation Company, Washington Irrigation Company, and Fort Field Irrigation Company, are corporations of the State of Utah engaged in the business of Managing, regulating, controlling, and distributing portions of the water of the Provo River System to and among their respective stockholders and other defendants named in said complaint.

-7-

That the defendant, Provo Pressed Brick Company, a corporation, is the owner of certain real property in Utah County, Utah, that it uses for agricultural purposes, and it is also the owner of a manufacturing plant engaged in the manufacture of brick, drain tile, and other building materials.

-8-

That the defendant, Utah-Idaho Sugar Company, a corporation, is the owner of certain real property in Utah County, Utah, that it uses for agricultural purposes, and it is also the owner of a manufacturing plant that requires water for the operation thereof.

-9-

That the defendant, Zion's Savings Bank & Trust Company, a corporation, is the owner of certain real property in Utah County, Utah, that is used for agricultural purposes.

-10-

That the defendant, South Fork Trout Company, a corporation, is the successor in interest to George J. Duke, is the owner of certain real property in Utah County, Utah, that is used for agricultural purposes and it is also engaged in the diversion and use of water for the purposes of fish culture.

-11-

That the defendants, Knight Woolen Mills, Provo Ice & Cold Storage Company, Smoot Investment Company, E. J. Ward & Sons Company, corporations, and Upton Hoover, W. E. Hoover, Webster Hoover, and Frank Hoover as partners doing business under the name of Excelsior Roller Mills, are engaged in the operation of manufacturing plants situate upon the Factory Race a distributing channel of Provo City, and use water for the generation of power under license and grant from Provo City.

-12-

That the Defendant, The Midway Waterworks Company, is a corporation of the State of Utah, engaged in supplying the inhabitants of the Town of Midway and those residing adjacent thereto, with water for domestic purposes, and for such other purposes to which water may be properly and beneficially applied, and is the owner of a pipe line and Waterworks System extending from a spring in Snake Creek Canyon to and over the Town of Midway and adjacent thereto.

That the defendants Heber City, Midway Town Corporation and Town of Charleston doing business under the firm name of Heber Light & Power Plant, a voluntary association, is engaged in the business of generating, using, and selling electrical power.

That the defendant, L. L. Donnon is the owner of certain lands in Provo Canyon, and uses water for fish culture, irrigation and domestic purposes.

That said L. L. Donnon by application to and upon the approval of the State Engineer of the State of Utah, diverts and uses water for the generation of power.

That Abram Hatch died at Heber City, Wasatch County, State of Utah, on the 2nd day of December, A. D. 1911, and that thereafter, Ruth Hatch and A. C. Hatch, were, by order of the Fourth District Court of the State of Utah in and for Wasatch County, duly appointed as executors of the last will and testament of Abram Hatch, deceased, and they ever since have been and now are the duly appointed, qualified and acting executors of the last will and testament of the said Abram Hatch, deceased, and that Joseph Hatch, A. C. Hatch, Jane H. Turner, Minnesota A. Dodds, and Lacy H. Farnsworth became successors to and were substituted for the said executors as to all of the power rights claimed by said executors for said estate, and that Edwin D. Hatch, and Vermont Hatch became successors to and were substituted for said executors as to all of the irrigation rights claimed by them for said estate.

That letters of administration of the estate of Lars Jacobson, deceased intestate, were, by the District Court of the Fourth Judicial District in and for Utah County, State of Utah, issued to Lars Jacobson, and the said Lars Jacobson now is the duly appointed, qualified, and acting administrator of the estate of said Lars Jacobson, deceased, and that Lars Jacobson, Albert Jacobson, and Louis Jacobson are the successors in interest of the estate of Lars Jacobson, deceased.

That letters of administration of the estate of James R. Glade, deceased, intestate, were, by the District Court of the Fourth Judicial District in and for Utah County, State of Utah, issued to Earl J. Glade, and the said Earl J. Glade now is the duly appointed, qualified, and acting administrator of the estate of said James R. Glade, deceased, and that Annie Glade is the successor in interest of the estate of James R. Glade, deceased.

That letters of administration of the estate of Aaron Carter, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Utah County, State of Utah, issued to Eliza Carter Ashton, and the said Eliza Carter Ashton now is the duly appointed, qualified, and acting administratrix of the estate of the said Aaron Carter, deceased.

That letters of administration of the estate of Benjamin Shirts, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Utah County, State of Utah, issued to Cora A. Shirts, and the said Cora A. Shirts now is the duly appointed, qualified and acting administratrix of the estate of said Benjamin Shirts, deceased, and that Herbert D. Jobb was duly substituted, herein, for said administratrix.

That letters of administration of the estate of Charles Vincent deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Utah County, State of Utah, duly issued to Edward V. Vincent, and the said Edward V. Vincent now is the duly appointed, qualified, and acting administrator of the estate of Charles Vincent, deceased.

That letters of administration of the estate of Thomas White, deceased, intestate, were, by the District Court of the Third Judicial District, in and for Summit County, State of Utah, duly issued to Mary A. White, and the said Mary A. White now is the duly appointed, qualified, and acting administratrix of the estate of Thomas White, deceased.

That Mary Ann White as successor to Mary Ann Moon, and Mary Ann White is one and the same person, and her true name is now Mary Ann Moon White.

That letters of administration of the estate of William L. Lark, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Wasatch County, State of Utah, duly issued to Minns Lark, and the said Minns Lark now is the duly appointed, qualified, and acting administrator of the estate of William L. Lark, deceased.

That letters of administration with will annexed on the estate of John Fowers, deceased, were, by the Fourth District Court of the State of Utah, in and for Wasatch County, issued to John B. Fowers and Elizabeth Fowers, and that said John B. Fowers and Elizabeth Fowers are now the duly appointed, qualified and acting executors of the last will and testament of John Fowers, deceased, and that John W. Stubbs has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by the estate of John Fowers, deceased, and is now the owner and holder thereof and was duly substituted herein for said executors.

That letters of administration on the estate of Nathan T. Coleman, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Wasatch County, State of Utah, duly issued to Henry T. Coleman, and the said Henry T. Coleman now is the

duly appointed, qualified, and acting administrator of the estate of said Nathan T. Coleman, deceased.

-26-

That letters of administration on the estate of Phillip L. Smith, deceased, were, by the District Court of the Fourth Judicial District, in and for Wasatch County, State of Utah, duly issued to T. DeVera Smith, and that said T. DeVera Smith now is the duly appointed, qualified, and acting administrator of the estate of said Phillip L. Smith, deceased.

-27-

That George H. Edwards has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by defendants George Daybell, George W. Daybell, Fred Daybell, and Robert Daybell, doing business as George Daybell & Sons, and is now the owner and holder thereof and is substituted herein.

-28-

That Emma Kummer Bond has since the commencement of this action been appointed administratrix of the estate of John Kummer, deceased, and now is the duly appointed, qualified and acting administratrix of said estate.

-29-

That James B. Hamilton is now the duly appointed, qualified and acting administrator of the estate of Ulric Abegglen, the said Ulric Abegglen having died since the bringing of this action. And that Anna Elizabeth Abegglen has succeeded to all rights, title and interest of all lands and water rights heretofore owned and claimed by Ulric Abegglen, and is now the owner and holder thereof and is substituted herein.

-30-

That Joseph E. Hanks is now the duly appointed, qualified and acting administrator of the estate of Mrs. E. L. Hanks, the said Mrs. E. L. Hanks having died since the bringing of this action.

And that Earl Stringfellow, John W. Stubbs, and George H. Edwards have succeeded to rights, title and interest of lands and water rights heretofore owned and claimed by Mrs. E. L. Hanks, and are now the owners and holders thereof and are substituted herein to the respective interests to which they have succeeded.

-31-

That James B. Hamilton, a defendant herein, died after the commencement of this action, and that thereafter James Hamilton Jr., was by order of the Fourth District Court of the State of Utah, in and for Wasatch County, duly appointed as the administrator of the estate of said James B. Hamilton, deceased, and that James A. Hamilton, William Hamilton, Ella Hamilton Snyder, Jennie Hamilton Summers, Lovica Hamilton Snyder, Mary Hamilton Chambers, Maggie Hamilton Campbell, Theodore Hamilton and David Hamilton were duly substituted for said administrator.

-32-

That Harold Shear and Emily Cormack have succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by defendant Alice Shear, and are now the owners and holders thereof and were duly substituted herein for said Alice Shear.

-33-

That Anna Luncsford has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by Stephen H. Smith, deceased, and is now the owner and holder thereof and was duly substituted herein.

-34-

That Earl Stringfellow has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by defendant John O. Edwards, and is now the owner and holder thereof and was duly substituted herein for said John O. Edwards.

-35-

That John E. Booth died since the bringing of this action, and that letters of administration of the estate of John E. Booth,

deceased, were, by the Fourth Judicial District Court, of the State of Utah, in and for Utah County, issued to I. E. Brookbank, and the said I. E. Brookbank now is the duly appointed, qualified and acting administrator of the estate of John E. Booth, deceased.

-36-

That the defendants, Pauline Schemansky, Stephen Jones, F. T. Carter, Amos Carter, Permelia Young, D. G. Calder, J. D. Smith, Owen A. Baum, Joseph T. Carter, Edith R. Buss, Wilford Penrod, William Gammon, Abram L. Smith, A. L. Penrod, J. M. Buckner, T. J. Smith, W. F. Richins, B. F. Alger, Clara M. Stubbs, J. C. Ivie, Ann Carter, Thomas Thornley, John H. Carter, B. W. Baum, Richard Carter, D. N. Greer, Leo Baum, D. N. Penrod, Leo E. Smith, D. W. Baum, A. L. Tanner, Eliza Carter Ashton, as administratrix of the estate of Aaron Carter, deceased; Cora A. Shirts, as administratrix of the estate of Benjamin Shirts, deceased; E. L. Dodder, J. W. Smith, and Lettie York, jointly, as members of a voluntary association, not incorporated, under the name and style of the SMITH DITCH COMPANY, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein, have voluntarily associated for the purpose of diverting waters of the Provo River to what is known as the Smith Ditch, and have assumed and used the name of the SMITH DITCH COMPANY, and are tenants in common in the diverting of said water in said ditch and in the right to the use of the water so diverted therein.

-37-

That James L. Meldrum, John E. Booth, George James, Merrill Holden, Louis James, Isaiah B. Lott, Benjamin B. Richmond, Joseph Faucett, Walter Lott, Ada J. Hickman, and Elmer Meldrum, jointly, as members of a voluntary association, not incorporated, under the name and style of FAUCETT FIELD DITCH COMPANY, and individually as tenants in common in the Faucett Field Ditch and in the right to the use of water flowing therein, have voluntarily associated for the purpose of diverting water from the Provo River into the Faucett Field Ditch, and have assumed the name of FAUCETT FIELD DITCH COMPANY, and are tenants in common in the said ditch and in the right to the use of waters so diverted therein.

That the plaintiff and all defendants claim an interest in the waters of the Provo River System; except:

J. R. Allen, John Burrows, Fleming Barrows, Peter Boyce, Sam E. Bunnell, Robert Birkin, John W. Carlile, Bishop Corbet, Arthur Clyde, Mary A. Cook, George A. Clark, Samuel Carter, Robert Cordner, Arthur C. Candland, John W. Clark, LeRoy Dixon, Owen Ellis, Mary Ann Emmons, John H. Emmons, W. W. Ferguson, Emily E. Forsythe, Elizabeth A. Farrer, Henry W. Goddard, Edwin S. Hinokley, Lucian N. Hinokley, Orson Hicken, William Johnston, Mark Jeffs, Jane McD. Johnston, Annie Jones, Frederick Kummer, Mathias Knudsen, Millie Loeffler, Neils Larson, Richard Lambert, Leslie Murphy, successor to George O. Ellis, Parloy W. Madsen, George A. Madsen, Wilhelmina Madsen, James F. McClellan, sued as James C. McClellan, Mrs. Julia Padfield and Sons, ~~Emily Prescott~~ Amos Prescott, Mrs. Frances Page, Daniel Peay, George T. Peay Sr., Major Pierce, C. A. Springer, T. DeVera Smith, as administrator of the estate of Phillip I. Smith, deceased, John Sweifel, George Sizemore, William Sizemore, Vincent Sheppard, William Sheppard, Adolphus Sessions, Joseph V. Smith, Henry V. Smith, N. O. Spaulding, John R. Stubbs, Charles Thacker, James Uro, Edward V. Vincent, administrator of the estate of Charles Vincent, deceased; D. L. Vincent, Richard Wellington, James L. Wright, William A. York, Levi York, H. E. Young, Arthur N. Taylor, John H. Gordon Jr., James R. Hooks, Lincoln School District.

That the subject matter of the litigation in this action is the right to the use of the waters of the Provo River including its tributaries, springs, seepage and percolating waters, and waters issuing from the Ontario Drain Tunnel and ~~flowing~~ ^{flowing} to the Provo River, water diverted from the Weber River to the Provo River; and embraces a portion of the Weber River water shed in Summit County, all of the water shed of the Provo River in Utah County and Summit County, and all of the water shed of the Provo River in Wasatch County, excepting a portion of Round Valley Creek, and all of Daniels Creek, Center Creek, Lake Creek and Bench Creek, and certain springs north of Heber City, viz: McDonald Spring, London Spring, and Sessions Spring.

That, Provo River is a tributary of the Utah Lake-Jordan River System. It has its rise in the summits of the Uintah Mountains, in Summit and Wasatch Counties, State of Utah. The head of this river is seventy miles distant from its mouth on Utah Lake. In this distance the river passes through a succession of valleys separated from each other by narrow canyons. These valleys contain large tracts of cultivated land. The soil is fertile, consisting principally of silt deposited by the river.

The river has its source in a number of small lakes, among which the more important are Washington Lake, Trial Lake, and Wall Lake. The river is augmented along its course by numerous tributaries, springs and seepage waters from the irrigated lands. From its source the river flows through narrow canyons in a southwesterly direction for twenty miles, then enters the Kamas Valley. In this distance there are ranches along at points where the canyon widens out. Through the Kamas Valley the river flows in a northwesterly direction for six miles and again enters a narrow canyon twelve miles long, from which it enters the northern extremity of the Provo Valley, through this valley the stream takes a southwesterly course through the center of the valley for twelve miles where it enters the Provo Canyon, which it follows for twelve miles emerging into the Utah Valley. From the mouth of Provo Canyon the river flows in a southwesterly direction and entering Utah Lake four miles west of Provo City.

The Provo River is a natural stream of water flowing through mountainous country and irrigated valleys. It is dependent upon precipitation. Its volume varies from year to year and from day to day. The diversion of large quantities of its waters for the irrigation of lands along its course and the return of a portion of such water in the form of seepage and springs, has produced a more uniform discharge volume than formerly. For a number of years lastpast

there has been an average flow to the Utah Valley in the months of July, August and September greatly in excess of the quantity of flow to Utah Valley at the time of former adjudications. This flow for July, August and September is found to be the normal flow of said river in Utah Valley.

-42-

That all of the lands irrigated by plaintiff and defendants are barren and unproductive of agricultural crops without artificial irrigation, but when said lands are irrigated they produce abundantly agricultural crops and are of great value.

That portions of said river in its transit to the canals of the plaintiff and defendants is used for the generation of power of value for useful and beneficial purposes.

-43-

That as to quantities of water to which the parties plaintiff and defendants are entitled, as hereinafter found by the Court, the water used upon the lands of plaintiff and defendants for irrigation; the water used by the defendants for the generation of power; and the water used by the defendants for municipal and domestic purposes have been used for beneficial purposes, and are necessary and that the said uses have been necessary and beneficial from year to year ever since the same was first diverted and appropriated.

-44-

That the plaintiff each and every year since the year 1909, has been diverting portions of the water of said river to which it was entitled; at a point on said river seven miles north of Provo City, Utah County, Utah, by means of a dam constructed in said river known as the Heiselt dam and the canal leading therefrom known as the Provo Reservoir Canal, and through the canal of the Provo Bench Canal & Irrigation Company which heads near the mouth of Provo Canyon diverting waters from the said river and the tail race of the Olmstead Plant of the Utah Power & Light Company.

That the plaintiff's grantors and predecessors in interest and the defendants and their grantors and predecessors in interests, many years ago, when the waters of said river was unappropriated entered upon the said river and constructed dams therein and canals and waterways extending therefrom to their lands, cities, power plants, and places of use of the said waters, and then and there diverted from the said river and its tributaries the waters thereof, and conveyed the same through their canals and waterways to the places of use thereof and ever since have continued to so divert and use the said waters in the amounts, proportions and for the purposes hereinafter more particularly stated, and during all of the said time, the parties hereto, their grantors and predecessors in interests have continued to be and the parties hereto are now entitled to the use of the waters of said river at the places and to the extent and for the purposes hereinafter stated.

That the plaintiff, and the defendants Sego Irrigation Company, Wasatch Irrigation Company, Timpanogus Irrigation Company, and Washington Irrigation Company by application to and upon the approval of the State Engineer of the State of Utah, have constructed storage reservoirs near the head waters of said river, and have the right and do, each and every year, empound and store large quantities of water and during the low water period of each year release the same and commingle it with the waters of Provo River and recapture and use said waters to necessary and beneficial purposes.

That the defendants, the Utah Power & Light Company and the Midway Irrigation Company are the owners of waters issuing from the Ontario Drain Tunnel.

That some of the lands irrigated by the waters of said river are of such a nature, and are so situated, that large quantities of

seepage water from said irrigation, seep and flow back into said river and into some of the canals diverting water from said river, after the same had been used for irrigation.

-49-

That the seepage water flowing into the said canals and into the said river is available for use, and that for the purpose of equitably dividing and distributing the waters of said river so that the parties hereto may receive for use the quantity to which they are entitled, all of the waters of said river and canals shall be measured in such a way as to include as far as practicable all the seepage water and inflow waters, so that the same may be distributed among the parties entitled thereto as a part and portion of the waters of said river.

-50-

That for the purpose of equitably dividing and distributing the waters of said river so that the parties may receive for use the quantity to which they are entitled where the flow in a canal is diminished by conditions that cannot be avoided, there shall be added to the amount sufficient water to make up such losses; in case of the flow of a canal is increased such increase ^{shall} ~~should~~ be counted as a part of its respective quantity; so as to give to the parties at the heads of their distributing laterals the quantities herein specified.

-51-

That for the purpose of equitably dividing and distributing said waters among the parties entitled thereto, under the decree of this cause it is necessary to provide for a COMMISSIONER appointed by this Court; to provide just compensation for said commissioner and reasonable allowance for his necessary expenses; to provide the necessary assistance to said commissioner and caretakers at the several reservoirs, and their compensation; and to provide a method of an assessment of the parties hereto, their successors and assigns, to pay the said expenses and compensations.

That it is necessary to authorize the COMMISSIONER, provided for herein, to distribute water to groups of individuals by combining their flow and giving to each of them an equivalent quantity of water with a proper sized irrigation stream for a period of time at reasonable intervals, commonly called the rotation system, and to direct said Commissioner to so distribute said water.

That it is necessary to provide; whenever, by mishap or accident to canal or ditch, or by conditions that cannot be controlled, a party to whom water has been awarded is deprived of his quantity of water and is in danger of sustaining material loss, a method to avoid such loss.

That in order to make effectual the rights found and awarded herein it is necessary for the Court to retain original jurisdiction of this cause and the subject matter thereof and all the parties thereto, their successors and assigns, and for the purpose of all necessary supplemental orders which may be required to make effectual the rights as herein found and awarded.

That, this Court in and for Wasatch County, State of Utah, on May 6th, 1899, entered a decree commonly called the "Fulton Decree", defining rights to the use of the waters of Provo River extending from the headwaters down to the Wasatch Dam, which is situated four miles north of the City of Heber.

This Court in and for Utah County, State of Utah, on January 29th, 1902, entered a decree commonly called the "Morse Decree", defining rights to the use of the waters of Provo River at and below the mouth of Provo Canyon.

This Court in and for Utah and Wasatch Counties, State of Utah, on January 26th, 1907, entered a decree commonly called the "Chidester Decree", defining rights to the use of waters of Provo River in Provo Canyon and Utah Valley.

No decree has been entered covering the rights to the use of the waters of Provo River between the head of Provo Canyon and the Wasatch Dam, a distance of ten miles and having many diversions for use from the stream.

This is the first litigation made on the basis of the physical unity of the stream from its headwaters to its mouth.

That for the purpose of fecilitating the statement of facts found and decreeing the rights to the use of the waters of Provo River and its tributaries to the parties entitled thereto, the area traversed by the Provo River and its tributaries is subdivided into divisions, viz:

THE PROVO DIVISION, and

THE WASATCH DIVISION.

The Provo Division shall include all that area below and including what is known as and commonly called the Wright Ranch, which is near the head of Provo Canyon, in Wasatch County, State of Utah.

The Wasatch Division shall include all that area above what is known as and commonly called the Wright Ranch, and

That the Wasatch Division is subdivided into Districts, viz:

The First District,

The Second District, and

The Third District.

The First District shall include that area of said division from and including what is known as and commonly called the Stewart Ranch down to the Hailstone Ranch, and

The Second District shall include that area of said division from and including what is known as and commonly called the Hailstone Ranch down to and including what is known as the Midway Upper Dam, and

The Third District shall include that area of said division from what is known as the Midway Upper Dam, down to what is known and commonly called the Wright Ranch.

The rights to the use of water in the PROVO DIVISION are herein subdivided according to dates of appropriation and as stipulated by the parties herein, and such subdivisions are designated Classes A, B, C, D, E, F, G, H, I, and J.

The rights to the use of water within the WASATCH DIVISION are herein subdivided according to dates of appropriation and as stipulated by the parties herein, and such subdivisions are designated Classes First (1st), Second (2nd), Third (3rd), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th), Eleventh (11th), Twelfth (12th), Thirteenth (13th), Fourteenth (14th), Fifteenth (15th), Sixteenth (16th), Seventeenth (17th), Eighteenth (18th), Nineteenth (19th), Twentieth (20th), and "Wasatch Division Power Rights".

P R O V O D I V I S I O N .

CLASS "A" RIGHTS.

-57-

That the flow of Provo River, its tributaries, springs, seepage and percolating waters in the normal flow, is sufficient to supply all of the appropriations to the defendants, and the predecessors in interest of the plaintiff prior in point of time to May 18th, 1903, for the purposes of irrigation, domestic and municipal use and for the generation of power in the PROVO DIVISION; said rights are therefore found to be in the same class, are equal in priority of right and are herein denominated Class "A", together with the number of acres of land with the duty of water per second foot on said land, the domestic and municipal requirements and the generation of power requirements, and the quantities of water appropriated and necessarily and beneficially used, and to which each of said parties is entitled, are as follows:

PROVO CITY.

-58-

(a) 2,058.6 Acres of Farm Land.

From May 10th to June 20th,	Duty 57,	36.12	second feet.
" June 20th to July 20th,	" 63,	32.68	" "
" July 20th to May 10th,	" 70,	29.41	" "

(b) 499.91 Acres of City Lots.

From May 10th to Sept. 1st,	Duty 50,	10.00	second feet.
" Sept. 1st to May 10th,	" 70,	7.14	" "

(c) That said defendant Provo City, during the irrigation season of each and every year, is the owner of the right to the use of 16.50 second feet of water. Which water has heretofore been used for irrigation purposes by said City and for the generation of power by the Provo Ice & Cold Storage Company a corporation, E. J. Ward & Sons Company a corporation, Knight Woolen Mills a corporation, Smoot Investment Company a corporation, and Upton Hoover, W. E. Hoover, Webster Hoover and Frank Hoover as partners doing business under the name of Excelsior Roller Mills. And the said use for power purposes has been under license and grant from said Provo City and at such times and in such manner as has been made by mutual arrangements therefor.

(d) That said defendant, during the non-irrigating season of each and every year, subject to the rights of storing water at the several reservoirs of the plaintiff and defendants as hereinafter set forth, is the owner of the right to the use of sufficient of the waters of Provo River to supply the necessities of mill owners upon the Factory Race using water under license and grant from said City, not to exceed 65 cubic feet per second.

(e) That said defendant, Provo City has appropriated, and has the right to collect by its pipe line and Waterworks System as now located and constructed in Provo Canyon, Utah County, Utah, and is entitled to divert into its said Waterworks System and to convey and use for domestic and municipal purposes at Provo City, Utah, and adjacent thereto, all of the waters of "South Guard Quarters Spring", which arises in a ravine above the flume line of the Utah Power & Light Company and below the ditch known as the Johnson ditch, situate in the southwest quarter section 33, in township 5 south of range 3 east of the Salt Lake Base and Meridian. Also all of the waters of all springs arising between the County Road as now located and used and the flume line of the Utah Power & Light Company and down from the County highway bridge crossing said river near the mouth of Bridal Veil Falls to the west line of the northeast quarter of section 5 in township 6 south of range 3 east of the Salt Lake Base and Meridian; excepting therefrom, however, all of the waters of all springs which flow into or rise in the Blue Cliff Canal and all of the waters of Maple or commonly called Yellow Jacket Spring.

-59-

Timpanogus Canal Company, 847 Acres.

From May 10th to June 20th,	Duty 60,	14.12	second	feet.
" June 20th to July 20th,	" 66,	12.83	"	"
" July 20th to May 10th,	" 75,	11.29	"	"

-60-

Provo Bench Canal &
Irrigation Company, 4,332.53 Acres.

From May 10th to June 20th,	Duty 57,	76.01	second	feet.
" June 20th to July 20th,	" 63,	68.77	"	"
" July 20th to May 10th,	" 70,	61.89	"	"

-61-

Upper East Union
Irrigation Company, 744.9 Acres.

From May 10th to June 20th,	Duty 57,	13.07	second	feet.
" June 20th to July 20th,	" 63,	11.82	"	"
" July 20th to May 10th,	" 70,	10.64	"	"

-62-

Little Dry Creek
Irrigation Company, 506 Acres.

From May 10th to June 20th,	Duty 60,	8.43	second	feet.
" June 20th to July 20th,	" 66,	7.67	"	"
" July 20th to May 10th,	" 75,	6.75	"	"

-63-

First Ward Pasture
Company, 147 Acres.

From May 10th to June 20th,	Duty 60,	2.45	second	feet.
" June 20th to July 20th,	" 66,	2.23	"	"
" July 20th to May 10th,	" 75,	1.96	"	"

East River Bottom
Water Company, -64-

361.72 Acres.

From May 10th to June 20th,	Duty 52,	6.96	second	feet.
" June 20th to July 20th,	" 57,	6.35	"	"
" July 20th to Sept. 1st,	" 65,	5.56	"	"
" Sept. 1st to May 10th,	" 70,	5.17	"	"

Fort Field Irrigation
Company,

574.28 Acres.

From May 10th to June 20th;	Duty 80,	7.18	second	feet.
" June 20th to July 20th;	" 90,	6.38	"	"
" July 20th to Sept. 1st;	" 100,	5.74	"	"
" Sept. 1st to May 10th;	" 125,	4.59	"	"

Lake Bottom Canal
Company,

1,196 Acres.

From May 10 th to June 20th;	Duty 80,	14.95	second	feet.
" June 20th to July 20th;	" 90,	13.29	"	"
" July 20th to Sept. 1st;	" 100,	11.96	"	"
" Sept. 1st to May 10th;	" 125,	9.57	"	"

Utah-Idaho Sugar Company,
Through the Lake Bottom
Canal,

54 Acres.

From May 10th to June 20th;	Duty 80,	0.67	second	foot.
" June 20th to July 20th;	" 90,	0.60	"	"
" July 20th to Sept. 1st;	" 100,	0.54	"	"
" Sept. 1st to May 10th;	" 125,	0.43	"	"

Also: Is entitled to the use from Spring Creek and Provo River through the Lake Bottom Canal, for the uses necessary in the processes of its Sugar Beet Slicing Plant as now located on its lands in section 2 and 3, township 7 south, range 2 east, Salt Lake Base and 1st Meridian.

From the 15th day of September to the 15th day of January of the next succeeding year, 5.00 second feet.

Alma Jorgensen,
Through the Lake
Bottom Canal,

25.00 Acres.

From May 10th to June 20th;	Duty 80,	0.313	second	foot.
" June 20th to July 20th;	" 90,	0.278	"	"
" July 20th to Sept. 1st;	" 100,	0.250	"	"
" Sept. 1st to May 10th;	" 125,	0.200	"	"

West Union Canal Company, and

Pauline Schemensky,	Stephen Jones,	F. T. Carter,
Amos Carter,	Permelia Young,	D. G. Calder,
J. E. Smith,	Owen A. Baum,	Joseph T. Carter,
Edith R. Buss,	Wilford Penrod,	William Gammon,
Abram L. Smith,	A. L. Penrod,	J. M. Buckner,
T. J. Smith,	W. F. Richins,	B. F. Alger,

Clara M. Stubbs,	J. C. Ivie,	Ann Carter,
Thomas Thornley,	John H. Carter,	D. W. Baum,
Richard Carter,	D. N. Greer,	Leo Baum,
D. N. Penrod,	Leo E. Smith,	B. W. Baum,
A. L. Tanner,	E. L. Dodder,	J. W. Smith,
Lettie York,		

Eliza Carter Ashton, administratrix of the estate of Aaron Carter, deceased, and Herbert D. Jobb, substituted for Cora A. Shirts, administratrix of the estate of Benjamin Shirts, deceased, as members of a voluntary association, not incorporated, under the name and style of the SMITH DITCH COMPANY, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein, to be diverted from Provo River through the West Union Canal.

Jointly and undivided:

1,820 Acres.

From May 10th to June 20th,	Duty 57,	31.93 second feet.
" June 20th to July 20th,	" 63,	28.89 " "
" July 20th to May 10th,	" 70,	26.00 " "

-70-

Carter Ditch Company.

John H. Carter,	R. G. Carter,	Amos Carter,
David Carter,	R. D. Young,	Lafayette Carter,
Verinus Carter,	Mary E. Downs,	J.M. Downs, and

Eliza Carter Ashton, administratrix of the estate of Aaron Carter, deceased, as members of a voluntary association, not incorporated, under the name and style of the CARTER DITCH COMPANY, and also as individual tenants in common in the Carter Ditch and the right to the use of water therein, to be diverted from Provo River through the West Union Canal.

Jointly and undivided:

80.00 Acres.

From May 10th to June 20th,	Duty 52,	1.54 second feet.
" June 20th to July 20th,	" 57,	1.40 " "
" July 20th to Sept. 1st,	" 65,	1.23 " "
" Sept. 1st to May 10th,	" 70,	1.14 " "

Said quantities to be distributed with a proper sized irrigating stream, on rotation system.

-71-

Faucett Field Ditch Company.

James L. Meldrum,	Ada J. Hickman	George James,
Merrill Holden,	Louis James,	Isaiah B. Lott,
Benjamin B. Richmond,	Walter Lott,	Joseph Faucett,

Elmer Meldrum, and I. E. Brookbank, administrator of the estate of John E. Booth, deceased, as members of a voluntary association, not incorporated, under the name and style of the FAUCETT FIELD DITCH COMPANY, and also as individual tenants in common in the Faucett Field Ditches,

and the right to the use of water therein, to be diverted from Provo River through the Upper East Union Canal.

Jointly and undivided:

108.75 Acres.

From May 10th to June 20th;	Duty 52,	2.09	second	feet.
" June 20th to July 20th;	" 57,	1.91	"	"
" July 20th to Sept. 1st;	" 65,	1.67	"	"
" Sept. 1st to May 10th,	" 70,	1.55	"	"

-72-

Barton & Young Ditch.

Owned as tenants in common, and the right to the use of water therein, by:

- (a) Brice McBride as the successor in interest and substituted for Rudolph Riard.

29.60 Acres.

From May 10th to June 20th;	Duty 50,	0.592	second	foot.
" June 20th to July 20th;	" 55,	0.538	"	"
" July 20th to Sept. 1st;	" 63,	0.470	"	"
" Sept. 1st to May 10th,	" 70,	0.423	"	"

- (b) Permelia Young, 16.77 Acres, and as the successor to the interests of the Branch Young estate.

From May 10th to June 20th;	Duty 50,	0.355	second	foot.
" June 20th to July 20th;	" 55,	0.305	"	"
" July 20th to Sept. 1st;	" 63,	0.266	"	"
" Sept. 1st to May 10th,	" 70,	0.240	"	"

- (c) Ida Young Littley, 5.00 Acres.

From May 10th to June 20th;	Duty 50,	0.100	second	foot.
" June 20th to July 20th;	" 55,	0.091	"	"
" July 20th to Sept. 1st;	" 63,	0.079	"	"
" Sept. 1st to May 10th,	" 70,	0.071	"	"

- (d) Hetty Y. Goodwin, 5.00 Acres.

From May 10th to June 20th;	Duty 50,	0.100	second	foot.
" June 20th to July 20th;	" 55,	0.091	"	"
" July 20th to Sept. 1st;	" 63,	0.079	"	"
" Sept. 1st to May 10th,	" 70,	0.071	"	"

-73-

Park & Nuttall Ditch.

Owned as tenants in common, and the right to the use of water therein, by:

- (a) M. B. Cutler, successor to and substituted for Lewis W. Nuttall.

21.60 Acres.

From May 10th to June 20th;	Duty 50,	0.432	second	foot.
" June 20th to July 20th;	" 55,	0.393	"	"
" July 20th to Sept. 1st;	" 63,	0.343	"	"
" Sept. 1st to May 10th,	" 70,	0.309	"	"

(b) Daniel B. McBride, and as successor to Rudolph Riard.

14.60 Acres.

From May 10th to June 20th; Duty	50,	0.292	second foot.
" June 20th to July 20th; "	55,	0.265	" "
" July 20th to Sept. 1st; "	63,	0.232	" "
" Sept. 1st to May 10th, "	70,	0.209	" "

(c) David S. Park, 44.60 Acres.

From May 10th to June 20th; Duty	50,	0.892	second foot.
" June 20th to July 20th, "	55,	0.811	" "
" July 20th to Sept. 1st, "	63,	0.708	" "
" Sept. 1st to May 10th, "	70,	0.637	" "

-74-

City Creek Ditches.

As tenants in common in the right to the use of water from City Creek.

(a) Lafe Baum, 7.50 Acres.

From May 10th to June 20th; Duty	57,	0.134	second foot.
" June 20th to July 20th, "	63,	0.119	" "
" July 20th to May 10th, "	70,	0.107	" "

(b) Elmer Baum, 7.50 Acres.

From May 10th to June 20th; Duty	57,	0.134	second foot.
" June 20th to July 20th, "	63,	0.119	" "
" July 20th to May 10th, "	70,	0.107	" "

(c) S. S. Cluff Jr., 9.00 Acres.

From May 10th to June 20th; Duty	57,	0.158	second foot.
" June 20th to July 20th, "	63,	0.143	" "
" July 20th to May 10th, "	70,	0.129	" "

(d) Jacob A. Baum, 10.00 Acres.

From May 10th to June 20th; Duty	57,	0.175	second foot.
" June 20th to July 20th, "	63,	0.159	" "
" July 20th to May 10th, "	70,	0.143	" "

(e) James Amicone, 4.00 Acres.

From May 10th to June 20th; Duty	57,	0.070	second foot.
" June 20th to July 20th; "	63,	0.063	" "
" July 20th to May 10th, "	70,	0.057	" "

(f) William Cluff, successor to Benjamin B. Richmond.

17.00 Acres.

From May 10th to June 20th; Duty	52,	0.327	second foot.
" June 20th to July 20th, "	57,	0.298	" "
" July 20th to Sept. 1st, "	65,	0.262	" "
" Sept. 1st to May 10th, "	70,	0.243	" "

(g) Alice Rambaud, successor to Benjamin B. Richmond,

16.00 Acres.

From May 10th to June 20th, Duty	52,	0.308	second foot.
" June 20th to July 20th, "	57,	0.281	" "
" July 20th to Sept. 1st, "	65,	0.246	" "
" Sept. 1st to May 10th, "	70,	0.229	" "

(h) Henry V. Smith Jr., 5.50 Acres.

From May 10th to June 20th, Duty	50,	0.110	second foot.
" June 20th to July 20th, "	55,	0.100	" "
" July 20th to Sept. 1st, "	63,	0.087	" "
" Sept. 1st to May 10th, "	70,	0.079	" "

(i) Provo Pressed
Brick Company,

40.00 Acres.

From May 10th to June 20th, Duty	57,	0.70	second foot.
" June 20th to July 20th, "	63,	0.64	" "
" July 20th to May 10th, "	70,	0.57	" "

-75-

Thomas J. Foote, 11.00 Acres.

In section 25, township 6 south, range 2 east, S. L. M.

From May 10th to June 20th, Duty	57,	0.193	second foot.
" June 20th to July 20th, "	63,	0.175	" "
" July 20th to May 10th, "	70,	0.157	" "

Of the water from a spring situate near said land.

-76-

Spring Creek.

As tenants in common in the right to the use of water from Spring
Creek and Provo River, in Utah County, Utah.

(a) Amos Carter, 3.00 Acres.

From May 10th to June 20th, Duty	50,	0.060	second foot.
" June 20th to July 20th, "	55,	0.055	" "
" July 20th to Sept. 1st, "	63,	0.048	" "
" Sept. 1st to May 10th, "	70,	0.043	" "

(b) Lafayette Carter, 4.55 Acres.

From May 10th to June 20th, Duty	50,	0.091	second foot.
" June 20th to July 20th, "	55,	0.085	" "
" July 20th to Sept. 1st, "	63,	0.072	" "
" Sept. 1st to May 10th, "	70,	0.065	" "

(c) David Carter, 4.38 Acres.

From May 10th to June 20th, Duty	50,	0.088	second foot.
" June 20th to July 20th, "	55,	0.079	" "
" July 20th to Sept. 1st, "	63,	0.069	" "
" Sept. 1st to May 10th, "	70,	0.063	" "

- (d) Eliza Carter Ashton, as successor to the estate of Aaron Carter, deceased.

9.52 Acres.

From May 10th to June 20th, Duty	50,	0.190	second foot.
" June 20th to July 20th, "	55,	0.173	" "
" July 20th to Sept. 1st, "	63,	0.151	" "
" Sept. 1st to May 10th, "	70,	0.135	" "

- (e) A. L. Tanner,

30.00 Acres.

From May 10th to June 20th, Duty	50,	0.600	second foot.
" June 20th to July 20th, "	55,	0.545	" "
" July 20th to Sept. 1st, "	63,	0.476	" "
" Sept. 1st to May 10th, "	70,	0.429	" "

- (f) Esthma Tanner,

55.67 Acres.

From May 10th to June 20th, Duty	50,	1.113	second feet
" June 20th to July 20th, "	55,	1.012	" "
" July 20th to Sept. 1st, "	63,	0.884	" foot.
" Sept. 1st to May 10th, "	70,	0.795	" "

- (g) James M. Bonny,

6.00 Acres.

From May 10th to June 20th, Duty	50,	0.120	second foot.
" June 20th to July 20th, "	55,	0.109	" "
" July 20th to Sept. 1st, "	63,	0.095	" "
" Sept. 1st to May 10th, "	70,	0.086	" "

- (h) Jane Williamson, successor to Joseph Williamson.

8.88 Acres.

From May 10th to June 20th, Duty	50,	0.178	second foot.
" June 20th to July 20th, "	55,	0.161	" "
" July 20th to Sept. 1st, "	63,	0.141	" "
" Sept. 1st to May 10th, "	70,	0.127	" "

- (i) Mary E. Davis,

12.05 Acres.

From May 10th to June 20th, Duty	50,	0.241	second foot.
" June 20th to July 20th, "	55,	0.219	" "
" July 20th to Sept. 1st, "	63,	0.191	" "
" Sept. 1st to May 10th, "	70,	0.172	" "

- (j) James F. Clyde,

17.25 Acres.

From May 10th to June 20th, Duty	50,	0.345	second foot.
" June 20th to July 20th, "	55,	0.314	" "
" July 20th to Sept. 1st, "	63,	0.274	" "
" Sept. 1st to May 10th, "	70,	0.246	" "

- (k) Evan Williams,

3.51 Acres.

From May 10th to June 20th, Duty	50,	0.070	second foot.
" June 20th to July 20th, "	55,	0.064	" "
" July 20th to Sept. 1st, "	63,	0.056	" "
" Sept. 1st to May 10th, "	70,	0.050	" "

(l) Frederick J. Pulham, 2.00 Acres.

From May 10th to June 20th, Duty	50,	0.040	second foot.
" June 20th to July 20th, "	55,	0.036	" "
" July 20th to Sept. 1st, "	63,	0.032	" "
" Sept. 1st to May 10th, "	70,	0.029	" "

(m) Hugh L. Syme, 11.00 Acres.

From May 10th to June 20th, Duty	50,	0.220	second foot.
" June 20th to July 20th, "	55,	0.200	" "
" July 20th to Sept. 1st, "	63,	0.175	" "
" Sept. 1st to May 10th, "	70,	0.157	" "

(n) N. H. Greer, 0.50 Acre.

From May 10th to June 20th, Duty	50,	0.010	second foot.
" June 20th to July 20th, "	55,	0.009	" "
" July 20th to Sept. 1st, "	63,	0.008	" "
" Sept. 1st to May 10th, "	70,	0.007	" "

(o) D. W. Baum, 8.00 Acres.

From May 10th to June 20th, Duty	50,	0.160	second foot.
" June 20th to July 20th, "	55,	0.146	" "
" July 20th to Sept. 1st, "	63,	0.127	" "
" Sept. 1st to May 10th, "	70,	0.114	" "

(p) Andrew Forsythe, 24.69 Acres.

From May 10th to June 20th, Duty	50,	0.494	second foot.
" June 20th to July 20th, "	55,	0.449	" "
" July 20th to Sept. 1st, "	63,	0.392	" "
" Sept. 1st to May 10th, "	70,	0.353	" "

(q) Stephen Jones, 6.65 Acres.

From May 10th to June 20th, Duty	50,	0.133	second foot.
" June 20th to July 20th, "	55,	0.121	" "
" July 20th to Sept. 1st, "	63,	0.106	" "
" Sept. 1st to May 10th, "	70,	0.095	" "

(r) Mary A. Brown, 13.12 Acres.

From May 10th to June 20th, Duty	50,	0.262	second foot.
" June 20th to July 20th, "	55,	0.238	" "
" July 20th to Sept. 1st, "	63,	0.208	" "
" Sept. 1st to May 10th, "	70,	0.187	" "

(s) A. F. Snyder, 10.42 Acres.

From May 10th to June 20th, Duty	50,	0.208	second foot.
" June 20th to July 20th, "	55,	0.189	" "
" July 20th to Sept. 1st, "	63,	0.165	" "
" Sept. 1st to May 10th, "	70,	0.149	" "

(t) Maggie Pearl Brown, 1.62 Acres.

From May 10th to June 20th, Duty	50,	0.032	second foot.
" June 20th to July 20th, "	55,	0.029	" "
" July 20th to Sept. 1st, "	63,	0.026	" "
" Sept. 1st to May 10th, "	70,	0.023	" "

(u) Wilimirth H. Brown, 2.45 Acres.

From May 10th to June 20th, Duty	50,	0.049	second foot.
" June 20th to July 20th, "	55,	0.045	" "
" July 20th to Sept. 1st, "	63,	0.039	" "
" Sept. 1st to May 10th, "	70,	0.035	" "

(v) Joseph M. Brown, 7.03 Acres.

From May 10th to June 20th, Duty	50,	0.141	Second Foot.
" June 20th to July 20th, "	55,	0.128	" "
" July 20th to Sept. 1st, "	63,	0.112	" "
" Sept. 1st to May 10th, "	70,	0.100	" "

(w) Charles H. Davis, 8.59 Acres.

From May 10th to June 20th, Duty	50,	0.172	second foot.
" June 20th to July 20th, "	55,	0.156	" "
" July 20th to Sept. 1st, "	63,	0.136	" "
" Sept. 1st to May 10th, "	70,	0.123	" "

(x) Fred Davies, 14.30 Acres.

From May 10th to June 20th, Duty	50,	0.286	second foot.
" June 20th to July 20th, "	55,	0.260	" "
" July 20th to Sept. 1st, "	63,	0.227	" "
" Sept. 1st to May 10th, "	70,	0.204	" "

(y) David Johnson, 7.30 Acres.

From May 10th to June 20th, Duty	50,	0.146	second foot.
" June 20th to July 20th, "	55,	0.133	" "
" July 20th to Sept. 1st, "	63,	0.116	" "
" Sept. 1st to May 10th, "	70,	0.104	" "

(z) Isabell West, and as successor to Szur Monson,

9.36 Acres.

From May 10th to June 20th, Duty	50,	0.187	second foot.
" June 20th to July 20th, "	55,	0.170	" "
" July 20th to Sept. 1st, "	63,	0.149	" "
" Sept. 1st to May 10th, "	70,	0.134	" "

(aa) J. Joseph Johnson, 4.85 Acres.

From May 10th to June 20th, Duty	50,	0.097	second foot.
" June 20th to July 20th, "	55,	0.088	" "
" July 20th to Sept. 1st, "	63,	0.077	" "
" Sept. 1st to May 10th, "	70,	0.069	" "

(ab) E. D. Partridge, 5.05 Acres.

From May 10th to June 20th, Duty	50,	0.101	second foot.
" June 20th to July 20th, "	55,	0.092	" "
" July 20th to Sept. 1st, "	63,	0.080	" "
" Sept. 1st, to May 10th, "	70,	0.072	" "

(ac) Olive Smith, 5.00 Acres.

From May 10th to June 20th, Duty	50,	0.100	second foot.
" June 20th to July 20th, "	55,	0.091	" "
" July 20th to Sept. 1st, "	63,	0.079	" "
" Sept. 1st to May 10th, "	70,	0.071	" "

(ad) Ashted Taylor, 22.46 Acres.

From May 10th to June 20th, Duty 50,	0.449	second foot.
" June 20th to July 20th, " 55,	0.408	" "
" July 20th to Sept. 1st, " 63,	0.356	" "
" Sept. 1st to May 10th, " 70,	0.321	" "

(ae) George Taylor Jr., 10.19 Acres.

From May 10th to June 20th, Duty 50,	0.204	second foot.
" June 20th to July 20th, " 55,	0.185	" "
" July 20th to Sept. 1st, " 63,	0.162	" "
" Sept. 1st to May 10th, " 70,	0.146	" "

(af) E. V. Vincent, 10.00 Acres.

From May 10th to June 20th, Duty 50,	0.200	second foot.
" June 20th to July 20th, " 55,	0.182	" "
" July 20th to Sept. 1st, " 63,	0.159	" "
" Sept. 1st to May 10th, " 70,	0.143	" "

(ag) Louisa J. Brown, 7.50 Acres.

From May 10th to June 20th, Duty 50,	0.150	second foot.
" June 20th to July 20th, " 55,	0.136	" "
" July 20th to Sept. 1st, " 63,	0.119	" "
" Sept. 1st to May 10th, " 70,	0.107	" "

(ah) J. E. Smith, 5.00 Acres.

From May 10th to June 20th, Duty 50,	0.100	second foot.
" June 20th to July 20th, " 55,	0.091	" "
" July 20th to Sept. 1st, " 63,	0.079	" "
" Sept. 1st to May 10th, " 70,	0.071	" "

-77-

That, the following parties are to be supplied from the waters arising below the Lake Bottom Canal, and whose lands lie below the lands irrigated by the Lake Bottom Canal, and on the North side of Provo River.

Reed J. Knudsen,	Louis Marriott,	Lars Jacobson,
Albert Jacobson,	Isaac P. Nelson,	William D. Lewis,
Benjamin H. Knudsen,	William C. Williamson,	Lewis Jacobson.

Jointly and undivided:

80.00 Acres.

From May 10th to June 20th, Duty 80,	1.00	second foot.
" June 20th to July 20th, " 90,	0.88	" "
" July 20th to Sept. 1st, " 100,	0.80	" "
" Sept. 1st to May 10th, " 125,	0.64	" "

-78-

Jacobson Ditch:

That, the following parties are to be supplied from the waters arising in a slough in section 2, township 7 south, range 2 east, Salt Lake Meridian, and in the bed of Provo River, in said section, except the main channel carrying water to the canal of the Fort Field Irrigation Company.

Albert Jacobson, Louis Jacobson, Annie Glade,
Sarah Williams, Zion's Savings Bank & Trust Company,
Herbert D. Jobb, substituted for Cora A. Shirts.

Jointly and undivided:

63.00 Acres.

From May 10th to June 20th, Duty 80,	0.78	second	foot.
" June 20th to July 20th; " 90,	0.70	"	"
" July 20th to Sept. 1st, " 100,	0.63	"	"
" Sept. 1st to May 10th, " 125,	0.50	"	"

-79-

Madsen Ditch.

Of waters arising in three springs situate near Lake View Depot, in the northeast quarter section 2, township 7 south, range 2 east Salt Lake Meridian.

(a) Charles A. Madsen. 60.00 Acres.

From May 10th to June 20th, Duty 80,	0.750	second	foot.
" June 20th to July 20th, " 90,	0.667	"	"
" July 20th to Sept. 1st, " 100,	0.600	"	"
" Sept. 1st to May 10th, " 125,	0.480	"	"

(b) Edwin Madsen. 40.00 Acres.

From May 10th to June 20th, Duty 80,	0.500	second	foot.
" June 20th to July 20th; " 90,	0.444	"	"
" July 20th to Sept. 1st, " 100,	0.400	"	"
" Sept. 1st to May 10th, " 125,	0.320	"	"

(c) W. W. Ercanbrack, as successor in interest to D. H. Madsen, Mattie E. Madsen, and the estate of Brigham Madsen, deceased.

33.00 Acres.

From May 10th to June 20th, Duty 80,	0.412	second	foot.
" June 20th to July 20th, " 90,	0.367	"	"
" July 20th to Sept. 1st, " 100,	0.330	"	"
" Sept. 1st to May 10th, " 125,	0.264	"	"

-80-

Andrew Knudsen. 66.00 Acres.

In section 4 and 9, township 7 south, range 2 east Salt Lake Meridian.

Of the waters arising in Provo River below the Fort Field Dam.

From May 10th to June 20th, Duty 80,	0.82	second	foot.
" June 20th to July 20th; " 90,	0.73	"	"
" July 20th to Sept. 1st, " 100,	0.66	"	"
" Sept. 1st to May 10th, " 125,	0.528	"	"

Provo Canyon Rights:

- (a) Johanna C. J. Anderson, 30.00 Acres.

From January 1st to December 31st, Duty 60, 0.50 second foot.

From Deer Creek, a tributary of Provo River, to be used on lands now owned by her that lie along said Creek.

- (b) Charles S. Conrad, and A. M. Conrad,

As co-parteners and as successors in interest to C. S. Conrad, and J. R. Hooks.

104 Acres.

From January 1st to December 31st, Duty 60, 1.73 second feet.

From South Fork Creek, a tributary of Provo River, to be used upon the lands now owned by them and that lie along said Creek.

- (c) L. L. Donnon.

From January 1st to December 31st,
For the irrigation of one acre of land, 0.017 second foot.

Also: for the irrigation and sprinkling
of four acres of lawn,..... 0.080 second foot.

Also: All the waters of those certain springs arising on the north half of the southeast quarter of section 34, township 5 south, range 3 east, Salt Lake Base and Meridian, for the purposes of fish culture, the same, after being applied to such use, to be by him returned into the Provo River.

- (d) W.W.Ereenbrack. 22.00 Acres.

As the successor in interest of the South Fork Cattle Company.

From January 1st to December 31st, Duty 60, 0.567 second foot.

From South Fork Creek, a tributary of Provo River, to be used upon the lands now owned by him and that lie along said Creek.

- (e) Hyrum Heiselt.

From January 1st to December 31st.

For the irrigation of two acres of land, Duty 60, .033 second foot.

From Provo River, and to be used upon the lands now owned by him and that lie along said river.

Also: Is the owner and entitled to the use of a spring on his premises known as the "Heiselt House Spring", and a spring on his premises known as the "Big Pipe Spring", and is the owner and entitled to the use of one-half of the flow of what is known as the "Joint Spring", situate on the "Steele Farm".

- (f) John W. Hoover.

From January 1st to December 31st.

For the irrigation of 14 acres of land, situate near the head of Provo Canyon and that lie along Provo River, Duty 60, 0.233 second foot which shall consist of the water from a small

spring on his premises and heretofore used by him and sufficient water from the river which when added to the spring water to make up the said quantity.

ALSO: One-tenth of the flowing waters of what is commonly known as "Enoch Spring" and "Little Spring", not to exceed 0.17 second foot.

(g) Spring Dell Resort Company.

From January 1st to December 31st.

Is entitled to the use of one second foot of the flowing waters of what is known as the "Spring Dell Spring" arising on the premises of said defendant in Provo Canyon, to be used for culinary and domestic purposes, and said water to be used upon, and only upon, the said premises.

(h) South Fork Trout Company.

From January 1st to December 31st.

As the successor in interest to George J. Duke.

For the irrigation of 30 acres of land, Duty 60, .50 second foot.

Also: Is entitled to the use of all of the waters of those certain springs commonly known as the Ellen, Pine Bug and Rhoda Springs, arising on the lands now owned by said company lying along the South Fork and of ten second feet of the flowing waters of the South Fork, all of said waters to be used for the purpose of fish culture and to be diverted from said springs and said Fork of the Provo River into lakes or ponds and runs and hatcheries, the same after being applied to such use to be returned to the natural channel of said South Fork.

(i) Charles W. Thomas, and Charles E. Giles.

As copartners, and successors in interest to Edward C. Mecham. From January 1st to December 31st.

For the irrigation of 40 acres of land, situate in the South Fork of Provo Canyon, and that lie along South Fork Creek, Duty 60, 0.67 second foot, which shall consist of the water from a small spring on their premises and heretofore used by them and sufficient water from the said Creek which when added to the spring water to make up the said quantity.

(j) Wildwood Resort Company.

Successor to George I. Taylor.

From January 1st to December 31st.

For the irrigation of 16.00 Acres of land, near the mouth of the North Fork of Provo Canyon, Duty 60, 0.27 second foot, from the North Fork Creek, a tributary of Provo River, and to be used upon the lands now owned by it that lie along said Creek.

Also: All the waters of a certain spring arising near its premises, for the purposes of fish culture, and the same, after being applied to such use, to be by it returned into Provo River.

John D. Dixon:

From January 1st to December 31st.

As successor in interest to J. H. Snyder, Joshua J. Mecham, John W. Hoover, and Hyrum Heiselt to 2.80 second feet of water which was appropriated upon lands in Provo Canyon, the place of use and the point of diversion having been changed and the said water is now being used upon lands below the mouth of Provo Canyon, and the point of diversion from Provo River is now at and near the mouth of Provo Canyon, Utah County, Utah, and said use may be continued and the quantity to which the said defendant is entitled at his said point of diversion, at and near the mouth of Provo Canyon, is 2.52 second feet, the same being of the transferred water rights referred to in subdivision (a) paragraph 87, hereof.

John C. Whiting.

Successor in interest to Joseph R. Murdock as administrator of the estate of William Wright, deceased, from January 1st to a time in each year not earlier than June 15th and not later than June 30th, when the plaintiff the Provo Reservoir Company, elects to release the waters stored by it in its reservoirs near the head of the Provo River into said river, said defendant John C. Whiting is entitled to:

- (a) One second foot of water from Provo River.
- (b) Nine-tenths of the waters arising in what is commonly known as "Enoch Spring" and "Little Spring", arising upon the lands formerly owned by William Wright, deceased.
- (c) And to, 3.467 second feet of the waters of Round Valley Creek.

ALSO: Said defendant John C. Whiting, from a time in each year not earlier than June 15th and not later than June 30th, when the plaintiff the Provo Reservoir Company elects to release the waters stored by it in its reservoirs near the head of the Provo River into said river, to December 31st of that year, is entitled to 0.033 second foot of the waters of Round Valley Creek for the irrigation of two acres of land.

AND ALSO: Said defendant John C. Whiting, as successor in interest to John Hartle, is the owner and entitled to the use, from January 1st to December 31st of each year, to 0.092 second foot of the waters of Round Valley Creek, for the irrigation of 5.5 acres of land, to be used by said defendant upon the lands that lie along Round Valley Creek and formerly owned by John Hartle.

Caleb Tanner.

As successor in interest to Charles H. Taylor.

18.00 Acres.

To be diverted through the Provo Bench Canal.

From January 1st to December 31st, 0.25 second foot.

Esthma Tanner.

That Esthma Tanner is the owner and entitled to the use of the seepage and spring water accumulating and arising upon her land, and collected by her in the drainage system laid upon said land situated about five miles from the mouth of Provo

Canyon, and she is entitled to discharge said water into Provo River and to take from said river an equal amount at the intake of the Provo Bench Canal, so long, and so long only, as the requirements of the users of water from Provo River diverting the same at points below the point of discharge of such drainage water in the said river are not supplied from seepage water, but require the turning down of water from the main flow of the river; and the said Esthna Tanner is entitled to take from said river at the said intake of the Provo Bench Canal, such quantity of water only as is required to be turned down for such lower diversions not exceeding, however, the quantity of water discharged by her into the river from said drainage system.

-86-

Provo Pressed Brick Company.

That the defendant the Provo Pressed Brick Company, under application to the State Engineer of the State of Utah, number 1221, bearing date of February 28, 1907, and under the certificate of the said Engineer issued pursuant to said application number 109 B, bearing date of February 19th, 1913, is entitled to use for the generation of power at its Brick Plant as at present located in section 36, township 6 south, range 2 east, Salt Lake Base and Meridian; the waters not to exceed 100 second feet herein awarded to and used by the defendant Provo City and mill owners using water under lease and grant from said City and which is used through and from the distributing channels known as the Factory Race, City Race, and Tanner Race.

After such use by the said defendant Provo Pressed Brick Company the same is to be returned to the distributing channels aforesaid, and must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality, and said use is but an additional use of waters hereinbefore denominated in paragraph 57, and found in paragraph 58, and that such use by said defendant is subject to and shall not interfere with the use of said waters by Provo City.

-87-

Utah Power & Light Company.

From January 1st to December 31st.

- (a) That, the Utah Power & Light Company, as the successor in interest to the rights of the Telluride Power Company, and the Telluride Power & Transmission Company, has the right to divert from Provo River by its dam built across said river in section 34, township 5 south, range 3 east, Salt Lake Base and Meridian, and convey through its flume and pipe line extending from said dam to its power generating station situated in the northeast quarter of section 7, township 6 south, range 3 east, Salt Lake Base and Meridian at or near the mouth of Provo Canyon in Utah County, Utah, 229 second feet of water, to be used for the generating of power. The said defendant, the Utah Power & Light Company, in order to divert and use said quantity of water, has the right and is entitled to divert and use all of the flow of said river at said dam and diversion works as now

located, except the storage water, the waters diverted from the Weber River, hereinafter set out, tunnel water, and transferred water rights that have the right to pass said dam; at any stage of flow at or below the quantity above specified, and in making such diversion of said waters, the said defendant has the right to reconstruct or improve said dam or to build a new dam at the present location of said dam.

- (b) The said defendant Utah Power & Light Company has appropriated and is entitled to use in addition thereto through its flume for the generation of power the waters of Lost Creek, not exceeding 6.41 second feet thereof, also the waters of Bridal Veil Falls, not exceeding 4.11 second feet thereof, and
- (c) The said defendant Utah Power & Light Company has the right to the use for irrigation and domestic purposes the waters of Johnson or North Guardquarters Springs, not exceeding 0.8 second foot thereof.
- (d) That all of such waters so awarded to and used by the said defendant Utah Power & Light Company for the generation of power, must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality.
- (e) That the said defendant the Utah Power & Light Company is the owner of and entitled to the use of the flowing waters from the mouth of the "Ontario Drain Tunnel" in Wasatch County, Utah, one-half thereof, after deducting five and one-half second feet, that is:
Flow from Ontario Drain Tunnel - 5.5 second feet.

2

And has the right to commingle the same with the waters of Provo River and use for the generation of power and for other purposes, or to use for the generation of power and lease or grant the use of the same for irrigation and other beneficial purposes.

-88-

Provo Reservoir Company.

That subject to the rights of John C. Whiting, as set forth in paragraph 83 hereof, excepting the 0.092 second foot received by him as successor to John Hartle, the Provo Reservoir Company as successor in interest to Joseph R. Murdock administrator of the estate of William Wright, deceased, is entitled to and has the right to the following:

- (a) To nine-tenths of the waters arising in what is commonly known as "Enoch Spring" and "Little Spring", arising from the lands formerly owned by William Wright, deceased, the same to be turned from said springs into the Provo River and recaptured after deducting ten per cent by said company from said river through its canal at the Heiselt Dam.
- (b) To, of the flowing waters of Round Valley Creek, not to exceed 3.467 second feet to be commingled with the waters of said Provo River and recaptured after deducting ten per cent by said company from said river through its canal at the Heiselt Dam.

- (c) To 0.90 second foot of the flowing waters of Provo River, and is entitled to divert the same from the river through its canal at the Heiselt Dam, the aforesaid volume being ninety per cent of an original appropriation for the irrigation of certain lands of said William Wright, deceased, and the place of use of which has been transferred to the irrigation of lands under the Provo Reservoir Canal and with "a" and "b" of this paragraph are of the transferred water rights referred to in subdivision (a) paragraph 87, hereof.

-89-

Provo Reservoir Company.

That the plaintiff the Provo Reservoir Company, as the successor in interest to the rights of the Blue Cliff Canal Company, a corporation heretofore and now existing under the laws of the State of Utah, has the right to the use of fifty second feet, from January 1st to December 31st of each year, which said 50.00 second feet consists of the waters of "Maple" or commonly called "Yellow Jacket Spring", "Pony Steele Springs" excepting one-half of the "Joint Spring" and all other springs originally arising in or discharging their waters into the Blue Cliff Canal, and sufficient water from Provo River which when added to the spring water will aggregate the said 50.00 second feet.

The point of diversion of all of said waters shall be at the location of the present headgate of the present Provo Bench Canal, which is below the tailrace of the Utah Power & Light Company's present Olmstead Hydro-electric Plant, or at such other point or points as will not interfere with the use of the river portion of said water by the Utah Power & Light Company through its said Olmstead Plant as at present located.

CLASSES "B", "C", "D", "E", "F", "G", "H", "I", AND "J".

-90-

That the plaintiff and the defendants that appropriate water under applications approved by the State Engineer of the State of Utah, and that appropriate water under certificates of completion of appropriation issued by the said State Engineer, are hereinafter denominated, and the waters to which each of said parties are entitled is as follows:

-91-

That the plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right and are entitled, as set out and agreed to between plaintiff and defendants in a stipulation filed and entered herein, to store in said reservoirs all the water that can be stored in them between September 15th and April 15th of the succeeding year.

CLASS "B" RIGHTS.

Provo Reservoir Company: -92-
Sego Irrigation Company:

That the waters of the Provo Reservoir Company and the Sego Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, are herein denominated Class "B", and the quantities of water to which the said parties are entitled is as follows:

(a) Provo Reservoir Company:

That the plaintiff the Provo Reservoir Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water is entitled to 12/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 442 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

(b) Sego Irrigation Company:

That the defendant the Sego Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water, is entitled to 2/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended as long as said application is in good standing in the said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation the said defendant is entitled to said water or such portion

thereof, as may be available from year to year and time to time, under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 442 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "C" RIGHTS.

-93-

Provo Reservoir Company:
Sego Irrigation Company:

That, the water of the Provo Reservoir Company and the Sego Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, are herein denominated Class "C", and the quantities of water to which the said parties are entitled is as follows:

(a) Provo Reservoir Company:

That the plaintiff the Provo Reservoir Company as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, for 7500 feet of water from Shingle Creek, and Beaver Creek a tributary of the Weber River, ~~hereinafter~~ referred to, is entitled to 26/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application.

And, upon and after the completion of said appropriation the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer.

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 944 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

(b) Sego Irrigation Company:

That the defendant the Sego Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, for 7500 acre feet of water

from Shingle Creek, and Beaver Creek a tributary of the Weber River, hereinbefore referred to, is entitled to 2/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application.

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer.

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 944 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "D" RIGHTS.

Provo Reservoir Company: -94-

That the waters under application to the State Engineer of the State of Utah, number 1828, bearing date of April 16, 1908, are herein denominated Class "D", and;

That the plaintiff the Provo Reservoir Company, under application to the State Engineer of the State of Utah, number 1828, bearing date of April 16, 1908, for 150 second feet of the waters of Provo River for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 1828 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "E" RIGHTS.

Provo Reservoir Company: -95-

That the waters under application to the State Engineer of the State of Utah, number 1847, bearing date of April 29, 1908, are herein denominated Class "E", and;

That, the plaintiff the Provo Reservoir Company, under application to the State Engineer of the State of Utah, number 1847, bearing date of April 29, 1908, for 100 second feet of water from Beaver Creek a tributary of the Weber River, herein-~~before~~ referred to, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application;

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 1847 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "F" RIGHTS.

Provo Reservoir Company: -96-

That the waters under applications numbers 2077, 2077 A, 2077 B, 2077 C, 2077 D, 2077 E, 2077 F, 2077 G, 2077 H, 2077 I, 2077 J, 2077 K, 2077 L, 2077 M, 2077 N, 2077 O, 2077 P, and 2077 Q, bearing date of September 15, 1908, are herein denominated Class "F", and;

That the Provo Reservoir Company, under application to the State Engineer of the State of Utah, bearing date of September 15, 1908, number 2077 for 316.6 acre feet of water,

"	2077 A	for	824.1	acre	feet	of	water,
"	2077 B	"	421.1	"	"	"	"
"	2077 C	"	166.5	"	"	"	"
"	2077 D	"	227.5	"	"	"	"
"	2077 E	"	1460.0	"	"	"	"
"	2077 F	"	280.8	"	"	"	"
"	2077 G	"	398.2	"	"	"	"
"	2077 H	"	313.9	"	"	"	"
"	2077 I	"	175.9	"	"	"	"
"	2077 J	"	124.9	"	"	"	"
"	2077 K	"	173.0	"	"	"	"

Number	2077	L	for	471.9	acre	feet	of	water.
"	2077	M	"	209.0	"	"	"	"
"	2077	N	"	230.0	"	"	"	"
"	2077	O	"	1650.0	"	"	"	"
"	2077	P	"	820.6	"	"	"	"
"	2077	Q	"	1650.0	"	"	"	"

is entitled to said water and water right, and is entitled to complete said appropriations and make final proof thereof;

And, pending the time designated by the said State Engineer for the completions of said appropriations as the same may have been or may hereafter be extended, so long as said applications are in good standing in said State Engineer's office, the said Provo Reservoir Company, is entitled to the said water or such portion thereof as may be available from year to year and time to time, under said applications, according to their priority of right and priority of rights fixed herein;

And, upon and after the completion of said appropriations, the said Provo Reservoir Company is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificates of completion of appropriations issued by the said State Engineer, according to the priority of right of said certificates and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 2077, 2077 A, 2077 B, 2077 C, 2077 D, 2077 E, 2077 F, 2077 G, 2077 H, 2077 I, 2077 J, 2077 K, 2077 L, 2077 M, 2077 N, 2077 O, 2077 P, and 2077 Q filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "G" RIGHTS.

John D. Dixon:

-97-

That the waters under application to the State Engineer of the State of Utah, number 2134, bearing date of October 27, 1908, are herein denominated Class "G", and;

That the defendant John D. Dixon, under application to the State Engineer of the State of Utah, number 2134, bearing date of October 27, 1908, for 10 second foot of waters of Provo River for irrigation purposes, is entitled to said water and water right and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, so long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time

under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 2134 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "H" RIGHTS.

Sego Irrigation Company: -98-

That the waters under application to the State Engineer of the State of Utah, number 2575, bearing date of July 15, 1909, are herein denominated Class "H", and;

That the defendant the Sego Irrigation Company, as the successor in interest to C. E. Loose and James Clove; under application number 2575, bearing date of July 15, 1909, for ten second feet of the waters of Provo River, for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 2575 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "I" RIGHTS.

Samuel Rieske: -99-

That the waters under application to the State Engineer of the State of Utah, number 2623 and 2624, bearing date of August 7, 1909, are herein denominated Class "I", and

- (a) That the defendant Samuel Rieske, as successor in interest to John H. McEwan, under application to the State Engineer of the State of Utah, number 2623, bearing date of August 7, 1909, for two second feet of water for irrigation purposes, and having completed said appropriation and made final proof thereof and received from the said State Engineer on the 20th, day of July 1916, the certificate of completion of appropriation for 1.27 second feet of water, is entitled to said 1.27 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion and according to the priority of right of said certificate and the priority of rights fixed herein;
- (b) That the defendant Samuel Rieske, as successor in interest to John H. McEwan, under application to the State Engineer of the State of Utah, number 2624, bearing date of August 7, 1909, for two second feet of water for irrigation purposes, and having completed said appropriation and made final proof thereof, and received from the said State Engineer on the 20th, day of July 1916, the certificate of completion of appropriation for 0.66 second foot of water, is entitled to said 0.66 second foot of water or such portion thereof as may be available from year to year and time to time under the terms of said certificate of completion, and according to the priority of right of said certificate and the priority of rights fixed herein.

CLASS "J" RIGHTS.

L. L. Donnon:

-100-

That the waters under application to the State Engineer of the State of Utah, number 4978, bearing date of December 23, 1912, are herein denominated Class "J", and;

That the defendant L. L. Donnon, under application to the State Engineer of the State of Utah, number 4978, bearing date of December 23, 1912, for 20 second feet of the waters of Provo River for power purposes, is entitled to said water and water right and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application, according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to the said water and such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 4978 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the Laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

W A S A T C H D I V I S I O N .

First and Second Districts.

-101-

That the defendants in the First and Second Districts of the Wasatch Division, are entitled to the use of certain waters of the Provo River and its tributaries, springs, seepage and percolating waters, and waters from the Ontario Drain Tunnel, and which are necessary for the purposes of generation of power, domestic and municipal use, and for the irrigation of lands, and which rights are set out and agreed to between the plaintiff and the defendants, in stipulations filed or entered into in open Court, as follows:

"It is hereby stipulated by and between the parties hereto by their respective counsels whose names are subscribed to this stipulation that when the decree is entered in this cause the waters of the Provo River and its tributaries awarded to the parties to this stipulation shall be as hereinafter stated.

1. That as to priority of right the findings and decree of the Fourth District Court in and for Wasatch County, State of Utah, in the case of the Wasatch Irrigation Company et al vs. Edward M. Fulton, et al, entered May 6, 1899, be adopted as defining the rights of the parties to this action, named in said decree from first to tenth class rights, inclusive, said waters to be measured at the head of the laterals.

2. That the Spring Creek Irrigation Company is entitled to a first class water right of one second foot for sixty acres of land irrigated for seven hundred and twenty acres; and the parties above the midway upper dam that were not included in the Fulton decree that appropriated waters from Provo River and its tributaries prior to the filing of said decree are entitled to one second foot for seventy acres of land as irrigated at the time of said appropriation, and are entitled to be included in the classes of said decree according to its date of appropriation as classed in said decree.

3. That John A. Johnson is entitled to one and one-half second feet of water for ninety acres of land as a first class water right and Phillip L. Ford is entitled as a first class water right to one second foot for the sixty acres of land irrigated by him; both of whom take said water from the river at the upper midway dam.

4. That the Midway Irrigation Company and the parties whose waters the said company controls and distributes are entitled to, (a) five and one-half second feet of water as described in the said Fulton decree as coming from the Ontario Drain Tunnel, which is not a part of the natural flow of Provo River, to be diverted and measured at the Midway upper dam; (b) A first class water right to the waters of Snake Creek, Pine Creek and all springs heretofore used by them, and two and a half second feet of the waters of Provo River to be diverted at the Midway upper dam, or such portions thereof which, when added to the five and a half second feet of Tunnel water heretofore specified, will not exceed a quantity greater than one second foot for sixty acres of land irrigated for three thousand five hundred and eighty-five acres, exclusive of the Island Ditch acres.

5. That the foregoing quantities constitute the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes of water of the parties to this cause that divert and appropriate the waters of Provo River and its tributaries in Wasatch and Summit Counties.

6. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, then the parties to said findings and decree referred to in paragraph 1 hereof, are entitled to one second foot of water for each sixty acres of irrigated land.

The foregoing amount is denominated as the eleventh class.

7. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the Sage Brush Irrigation Company is entitled of such excess to one second foot of water for sixty acres of land irrigated, for five hundred acres.

The foregoing amount is denominated as the twelfth class.

8. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the Midway Irrigation Company and parties whose waters the said company controls and distributes, are entitled of such excess, in addition to the quantity specified in paragraph 4, to be diverted at said upper Midway Dam, to twelve and seventeen one-hundredths second feet, or such portion thereof which when added to the quantity specified in paragraph 4 as is necessary to and will not exceed a quantity greater than one second foot for sixty acres of land irrigated as specified in paragraph 4.

The foregoing is denominated as the thirteenth class.

9. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified as belonging to the parties above named, the following named parties are entitled of such excess to the following quantities:

(a) The Stewart Ranch, a corporation, sixteen and sixty-seven hundredths second feet for the irrigation of one thousand acres of land.

(b) The Timpanogus Irrigation Company, thirty-three and thirty-three one hundredths second feet for the irrigation of two thousand acres of land.

(c) The Extension Irrigation Company, thirteen and 33/100 second feet for the irrigation of eight hundred acres of land.

(d) The Sunrise Irrigation Company two and 4/10 second feet of water for one hundred and forty-four acres of land.

The foregoing quantities are denominated as the fourteenth class.

10. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the Midway Irrigation Company and the parties whose waters the said company controls and distributes, are entitled to twenty second feet of such excess, to be diverted at the Midway upper dam, in addition to the quantity specified in paragraph 4 and 8, or so much thereof as is necessary to supply the three thousand five hundred and eighty-five acres of land above the Island Ditch one second foot for sixty acres of said land.

The foregoing quantities are denominated as the fifteenth class.

11. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the lands in Wasatch and Summit Counties not included in the foregoing that have been brought under an appropriation prior to September 15, 1908, are entitled of such excess to an amount of one second foot for sixty acres of such irrigated land.

The foregoing is denominated as the sixteenth class.

12. During the period of September 15 to April 15 of the following year the parties to the above entitled cause in Wasatch and Summit Counties and each of them are entitled only to the use of such portion of the amounts heretofore specified as their necessities may require, not to exceed one second foot for each seventy acres.

13. That to control and distribute the waters of Provo River and to insure the full measure of service from the waters of said river to all the parties to the above entitled cause the water Commissioner shall have reasonable discretion, but such authority shall not interfere with the rights specified in the first to sixteenth classes, inclusive, as hereinbefore stated.

14. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified as belonging to the parties above named, the said parties and each of them are entitled in proportion to their respective quantities before specified, of such excess in any and all irrigation seasons from May 1 to August 10, (except as provided in section 33 herein,) to an amount which when added to the quantities hereinbefore specified will amount to one second foot for forty acres of such specified land; and when the volume of flow is insufficient to supply one second foot for forty acres of such specified land, but is more than sufficient to supply the sixteen classes aforesaid, such amount is to be distributed to the said parties and each of them in proportion to the quantities heretofore designated, each of them receiving the same amount of water per acre of said specified land; that is, the duty shall range uniformly from forty acres to sixty acres per second foot of water.

The foregoing is denominated as the seventeenth class.

15. For the purpose of designation the following districts are numbered:

From and including the Stewart Ranch down to the Hailstone ranch is designated as the First District.

From the Hailstone ranch down to and including the Diversion at the Upper Midway dam is designated the Second District.